

HB

482

SENATE COMMITTEE REPORT

DATE: 5/5/06

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered CS FOR HOUSE BILL NO. 482(JUD)

HB 482 SCHOOL:BULLYING/HARASSMENT/INTIMIDATION

"An Act relating to harassment, intimidation, and bullying in schools."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do Not PASS	NO REC	AMEND
<i>[Signature]</i>			X	
<i>Stephen Thomas</i>	X			
<i>[Signature]</i>			X	
<i>[Signature]</i>			X	
CHAIR: <i>Joseph Debin</i>			✓	

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MEMORANDUM

May 6, 2006

SUBJECT: Amendment #4, SCS CSHB 482(JUD) (Work Order No. 24-LS0053\C), REVISED

TO: Senator Ralph Seekins
Attn: Brian Hove

FROM: Jean M. Mischel
Legislative Counsel

The House Judiciary Committee CS is enclosed. I have some concern that amendment no. 4, adopted by the committee, is confusing and will lead to some difficulty in its application. Amendment no. 4 reads:

(3) "school official" means **all employees at such a school, including all teachers, administrators, and noncertificated personnel such as paraprofessional and other support staff.**

This amendment contains grammatical errors, suffers from an internal inconsistency and may not make sense in the context of the bill. The grammatical errors are the use of "at such", which I've redrafted to read "of", and the use of "including" and "such as" in a definition. The internal inconsistency is the reference to "all employees" while listing types of employees who appear to have some contact with students. I'm also unclear on the distinction between the terms "school employee" and "school official" as both terms are used in the bill. I have deleted the word "all" for this reason. I have also deleted "such as" to avoid confusion about what is meant by "noncertificated personnel." Let me know if this is consistent with the committee's intent.

The context of the term also raises questions about this amendment. The term being defined, "school official", is used in the bill twice in the context of the person to whom a report of harassment or bullying is submitted by school personnel and volunteers. If "all employees" were authorized recipients of such reports, the application of the amendment would result in immunity, for example, for a teacher reported bullying a janitor or some other employee who lacks authority to take action to resolve the problem.

The definition disregards the term "official," which has a common meaning of 'a person with authority.' I cannot discern whether the two lists contained in the amendment are intended to imply some role of authority over students.

Senator Ralph Seekins

May 6, 2006

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Under AS 01.10.040(b), the word "including" shall be construed as though followed by the phrase "but not limited to". On the other hand, a court will review a list to determine commonalities to apply an interpretation that makes sense. A court may construe "including" broadly, to apply no limits to the term "employee", or it may attach some significance to the limited nature of the list of persons contained in the definition. The elimination of the word "all" may cause a more narrow interpretation to be supported. I don't know what is intended here so I have not been able to clarify the term any further. Please review the definition I have inserted into the Judiciary CS carefully.

If I may be of further assistance, please advise.

JMM:med

06-372.med

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

LABOR & COMMERCE COMMITTEE, CHAIRMAN
ADMINISTRATION REGULATION REVIEW COMMITTEE, CHAIRMAN
JUDICIARY COMMITTEE, VICE-CHAIR

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SPONSOR STATEMENT FOR CSHB 482 (JUD)

TITLE: "An act relating to harassment, intimidation, and bullying in schools."

HB 482 addresses a growing problem in our schools that is often overlooked by teachers and administrators. Bullying has a truly negative effect on the social environment of schools and on the emotional and mental well-being of our children, the students in these schools.

Recent studies suggest that Bullying creates a climate of fear among students, inhibits their ability to learn, and leads to other anti-social behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. Sixty percent (60%) of the males studies who were bullies in grades six through nine were convicted of at least one crime as an adult. Thirty five (35) to forty percent (40%) of these former bullies had three or more convictions by 24 years of age. Only 15 of the 53 school districts in Alaska have made an attempt to address the bullying issue. With the increase in students in Alaska today, there is a growing need to ensure the safety of our children's learning environment.

House Bill 482 requires school districts, city and borough offices of education, law enforcement agencies, and youth-serving agencies to develop and implement inter-agency strategies on bullying and harassment.

Currently 21 states have some sort of anti-bullying law, and another 24 states are in the process of adopting similar legislation.

You'll note in your packets endorsement letters by the National Education Association (NEA), Alaska Network on Domestic Violence & Sexual Assault, Boys and Girls Clubs, and Allan Morotti - Dept. Chair of University of Alaska Fairbanks School of Education.

Bullying is a problem everywhere, even in Alaska - and its causes and effects cannot be overlooked. This bill gives not only teachers and administration officials the tools to deal with such a growing issue, but also allows for input from parents, guardians, students and concerned members of the community in the development of a comprehensive bullying policy.

Successful programs to recognize, prevent, and effectively intervene in bullying behavior have improved safety and create a more inclusive learning environment. Some of the possible programs may include in-service training programs and other activities to improve school attendance and reduce school crime and violence. HB 482 is targeted to reduce vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, teen relationship violence, and discrimination and all harassment, including sexual harassment, in grades K-12.

Rep. Anderson urges your support of this important legislation.

CS FOR HOUSE BILL NO. 482(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/14/06
Referred: Finance

Sponsor(s): REPRESENTATIVES ANDERSON, Kott, McGuire, Ramras, Cissna, Gardner, Chenault, LeDoux

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to harassment, intimidation, and bullying in schools."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 14.33 is amended by adding new sections to read:**

4 **Article 4. Harassment, Intimidation, and Bullying.**

5 **Sec. 14.33.200. Harassment, intimidation, and bullying policy.** (a) By
6 July 1, 2007, each school district shall adopt a policy that prohibits the harassment,
7 intimidation, or bullying of any student. Each school district shall share this policy
8 with parents or guardians, students, volunteers, and school employees.

9 (b) The policy must be adopted through the standard policy making procedure
10 for each district that includes the opportunity for participation by parents or guardians,
11 school employees, volunteers, students, administrators, and community
12 representatives. The policy must emphasize positive character traits and values,
13 including the importance of civil and respectful speech and conduct, and the
14 responsibility of students to comply with the district's policy prohibiting harassment,
15 intimidation, or bullying. The policy must also include provisions for an appropriate

1 punishment schedule up to and including expulsion and reporting of criminal activity
 2 to local law enforcement authorities. School employees, volunteers, students, and
 3 administrators shall adhere to this policy.

4 (c) By January 1, 2007, the department, in consultation with representatives of
 5 parents or guardians, school personnel, and other interested parties, may provide to
 6 school districts a model harassment, intimidation, and bullying prevention policy and
 7 training materials on the components that should be included in a district policy.
 8 Training materials may be disseminated in a variety of ways, including workshops and
 9 other staff developmental activities, and through the Internet website of the
 10 department. Materials included on the Internet website must include the model policy
 11 and recommended training and instructional materials. The department may provide a
 12 link to the school district's Internet website for further information.

13 **Sec. 14.33.210. Reporting of incidents of harassment, intimidation, or**
 14 **bullying.** Beginning with the 2007 - 2008 school year, each school district shall report
 15 to the department by November 30 all incidents resulting in suspension or expulsion
 16 for harassment, intimidation, or bullying on school premises or on transportation
 17 systems used by schools in the school year preceding the report. The department shall
 18 compile the data and report it to the appropriate committees of the Alaska House of
 19 Representatives and the Senate.

20 **Sec. 14.33.220. Reporting; no reprisals.** (a) A school employee, student, or
 21 volunteer may not engage in reprisal, retaliation, or false accusation against a victim,
 22 witness, or person with reliable information about an act of harassment, intimidation,
 23 or bullying.

24 (b) A school employee, student, or volunteer who has witnessed, ~~or~~ has
 25 reliable information that a student has been subjected to, harassment, intimidation, or
 26 bullying, whether verbal or physical, is encouraged to report the incident to an
 27 appropriate school official. *shall*

28 (c) This section does not prohibit discipline or other adverse action taken in
 29 compliance with school district policies against a person who falsely and in bad faith
 30 accuses a person of engaging in harassment, intimidation, or bullying or who
 31 intentionally provides false information in connection with an investigation of an

#2

1 alleged incident of harassment, intimidation, or bullying.

2 Sec. 14.33.230. Immunity from suit. A school employee, student, or
3 volunteer who promptly reports an incident of harassment, intimidation, or bullying to a
4 an appropriate school official and who makes this report in good faith and in
5 compliance with the procedures in the district's policy prohibiting harassment,
6 intimidation, or bullying is immune from a cause of action for damages arising from a
7 failure to remedy the reported incident or for making the report.

8 Sec. 14.33.250. Definitions. In AS 14.33.200 - 14.33.250,

9 (1) "district" has the meaning given in AS 14.17.990;

#3

10 (2) "harassment, intimidation, or bullying" means an intentional
11 written, oral, or physical act, including an act directed at a student because of that
12 person's race, age, sex, color, creed, sexual orientation, physical or mental disability,
13 ancestry, or national origin or other distinguishing characteristics, when the act is
14 undertaken with the intent of threatening, intimidating, harassing, or frightening the
15 student, and

16 (A) physically harms the student or damages the student's
17 property;

18 (B) has the effect of substantially interfering with the student's
19 education;

20 (C) is so severe, persistent, or pervasive that it creates an
21 intimidating or threatening educational environment; or

22 (D) has the effect of substantially disrupting the orderly
23 operation of the school.

#4 school official means a etc. etc.
assistant principal, teacher

ALASKA STATE LEGISLATURE

House of Representatives

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Sectional Analysis for CSHB 482 (JUD)

Section 1: Amends state law dealing with school safety and discipline by adding a new section Article 4 Harassment, Intimidation, and Bullying. The new Article 4 has five subsections:

Sec. 14.33.200: Harassment, intimidation, and bullying policy.

- (a) Requires school districts to adopt a policy on harassment, intimidation, and bullying by July 1, 2007 and share this policy with parents or guardians, students, volunteers, and school employees.
- (b) Outlines the policy adoption process, policy emphasis and other requirements to be included in the new policy.
- (c) Suggests the Department of Education to provide model policy to school districts by January 1, 2007. This will give school districts six months to adopt policy as required by (a).

Sec. 14.33.210: Reporting of incidences of harassment, intimidation, or bullying.

Beginning with the 2007-2008 school year, each school district shall report to the Department all incidences involving harassment, intimidation, or bullying. The Department will then take all the data and report it to the House of Representatives and the Senate.

Sec. 14.33.220: Reporting; no reprisals.

- (a) A school employee, student, or volunteer is not allowed to engage in reprisal, retaliation, or false accusation against a victim or a witness.
- (b) A school employee, student, or volunteer who has witnessed, or has harassment information is encouraged to report the incident to an appropriate school official.
- (c) Does not prohibit actions taken with the school districts policy.

Sec. 14.33.223: Immunity from suit.

Any school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official is immune from a cause of action for damages arising.

Sec. 14.33.250: Definitions.

Provides definitions of "district" and "harassment, intimidation, or bullying".

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 482(EDU)
 (H) Publish Date: 3/20/06

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to harassment, intimidation, RDU CIVIL
and bullying in schools." Component Labor and State Affairs
 Sponsor Representative Anderson
 Requester House Special Committee on Education, Health.. Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates Article 4 in AS 14.33 requiring each school district to adopt a policy that prohibits the harassment, intimidation, or bullying of any student. It also requires that the policy be shared with parents or guardians, students, volunteers, and school employees. The bill further requires that violations of the policy be reported to the Department of Education and Early Development, and it prohibits reprisal against and provides immunity from suit to those who report violations of the policy in good faith.

Passage of this legislation will not have a fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division Administrative Services Division Date/Time 3/14/06 9:54 AM
 Approved by: Kathryn Daughhete for David Marquez, Attorney General Date 3/14/2006
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 482(FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
Title An Act relating to harassment, intimidation, RDU Teaching & Learning Support
and bullying. Component Student & School Achievement
Sponsor Anderson
Requester House Finance Component No. 2796

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The language of CSHB 482(FIN) does not require that the Department of Education & Early Development take any action. Therefore, there is a zero fiscal note for this version of the bill.

Prepared by: Barbara Thompson Phone 465-8727
Division Teaching & Learning Support Date/Time 4/13/06 1:30 PM
Approved by: Karen Rehfeld, Deputy Commissioner Date 04/13/2006
Agency Education and Early Development

Fairbanks Daily News-Miner

Don't be a bully

Wednesday, March 15, 2006 - Have things gotten so bad in Alaska schools that it's time for the state to step in with a law barring the harassment, intimidation or bullying of students? Apparently. Why else would Alaska need such a law as that under consideration later this week in the state House?

The superintendent of Fairbanks' public schools says she's noticed an increase in bullying in the past decade, and the school board in September adopted a policy against it. "Intentional and generally unprovoked attempts by one or more individuals to inflict physical harm or emotional distress upon another person or group is prohibited and may result in disciplinary action."

Seems pretty clear.

The item in the Legislature, House Bill 482, would require each school district to have a policy against such behavior, would require the state to help districts establish such policies, and would require districts to make annual reports to the Department of Education and Early Development, which would provide the results to the Legislature. Whether the bill goes anywhere is anyone's guess looking from the outside.

For the moment, though, the bill by Anchorage Republican Rep. Tom Anderson provides an opportunity to talk about bullying and the harm it can do. It's an opportunity to remind parents to talk to their children about what's right and what's wrong and how children should relate to one another.

Kids are kids, and they are mean to each other at times--often fiercely so. That's probably not going to change much, but that's no reason to accept bad behavior. Accepting it will only allow it to become more widespread. But what is bullying? How is a parent to recognize it to be able to deal with it?

Common sense will tell. Seeing some of the definitions in the school district's new policy does bring out the reaction, "Well, that's what kids do." Punching, hitting, hair pulling, biting, ostracizing, name-calling and so on. But the policy does include more serious forms of harassment and intimidation such as sexual propositioning and unwanted physical contact.

All of those, and other bullying, can disrupt a child's schooling and well-being. That's reason to strive to eliminate it.

Reducing the amount of bullying and harassment has been one of the topics in a grant-funded Safe Schools, Healthy Students program of the Fairbanks North Star Borough School District, which on April 19 is having a "Bullying Prevention" seminar for school administrators, school board members and parents.

The school district's workshop and the legislation to be discussed this week in Juneau both are opportunities to bring more public awareness to what can become a ruinous torment for a child.

Fairbanks Daily News-Miner

The cyber-bully: A new danger
By **HEATHER STEWART**

Wednesday, April 05, 2006 - When you say the word bullying, everyone has a picture in their mind of the schoolyard bully. However, bullying has reached far beyond the schoolyard fences. Children are now being bullied via the Internet, cell phones, Web pages and various other media. On any given day, any one of our children could be teased, threatened, or tormented by bullies. Nationally, according to a student survey by the University of New Hampshire, 1 in 17 children age 10 through 17 have been threatened online. When you consider 605 million people are online worldwide and that 20 percent of them are kids and teens between the ages of 12 and 17, that is an alarming number. A 2002 study in Great Britain reports 1 in 4 children are bullied online.

What is this new form of bullying? Bullying itself is intentional repeated aggressive behavior that involves an imbalance of power or strength between those involved. Cyber-bullying is repeated aggression and tormenting through e-mail, instant messaging, Internet chat rooms, and electronic gadgets like camera cell phones where bullies forward and spread hurtful images and messages. Bullies use this technology to harass victims at all hours, in wide circles, and at warp speed. The anonymity offered by this technology encourages some children to say things on the computer that they would never say face-to-face. Cyber-bullies feel removed from their actions and without tangible feedback (hurt feelings, tears) there is no remorse or empathy. This behavior peaks in middle school when adolescents are figuring out who their friends are and whether they fit in. Both boys and girls bully, and both get bullied.

Bullying is not an acceptable part of growing up.

All children involved in bullying incidents are at risk. Bullied children are more likely than their peers to be depressed, lonely, anxious, have lower self-esteem, and miss days from school. Children who bully are more likely than their peers to get into frequent fights, steal, damage property, drink alcohol, drop out of school, and carry a weapon. Children who watch but don't participate are also at risk. These "bystanders" tend to have diminished empathy, decreased trust in adults, and believe that bullying and aggression are acceptable behaviors.

That's the bad news. The good news is that we can decrease bullying if everyone--students, parents, schools and the community--gets involved. Preventing and stopping bullying takes a team effort.

The Fairbanks North Star Borough School District is taking a proactive approach to addressing bullying. Policies have been developed that define and outline consequences for intimidating behavior and bullying. School staffs are training on bullying prevention, and several schools are implementing anti-bullying programs. Schools are also on the alert to squelch cyber-bullying. School computers are monitored and, if used inappropriately, students face serious consequences.

Parents need to be part of the team. Parents: It is important to talk to your children about what they can and cannot do online. Learn everything you can about the Internet. Have your children show you "what's cool." "Surf the net" as a family. Place the computer in an area where you can monitor your children on the Internet. Talk about online safety such as protecting passwords, not talking to online strangers, and never meeting in person someone they met online. Look into safeguarding-programs or

options your online service provider might offer.

The cyber-bully believes they cannot be caught, but everyone leaves cyber-footprints. If you believe your child has been a victim of cyber-bullying, you should save the information. Keep copies of the e-mails, print the Web pages, leave the computer on, and call the authorities (Internet service provider, law enforcement officials, and your child's school).

The Safe Schools/Healthy Students project has the following materials available: "Take Action Against Bullying" (guide), "Bullying is Not a Fact of Life" (booklet), and "15+ Make Time to Listen-Take Time to Talk ... About Bullying" (conversation starter cards), to provide practical guidance so parents can intervene appropriately whether their child is the bully or is being bullied. Parents can pick up these materials from the Safe Schools/Healthy Students office at Ryan Middle School or by calling 452-4751 ext. 9396. Material is also available on line at www.northstar.k12.ak.us/safeschools/.

We have a responsibility to keep our children safe. By raising awareness about bullying and its negative impacts, educating ourselves on what we can do to break the cycle of violence and by addressing potentially harmful actions quickly before they escalate to chronic violent behavior, everyone's story can change for the better.

Heather Stewart is Safe Schools/Healthy Students director for the Fairbanks North Star Borough School District.

Web posted March 17, 2006

Legislation aims to help curb bullying *Juneau schools have already taken action*

By ERIC MORRISON
JUNEAU EMPIRE

It may be the school bullies who have to watch their backs in 2007.

House Bill 482, "An act relating to harassment, intimidation, and bullying in schools," was introduced to the House Special Committee on Education on Thursday morning. Sponsored by Rep. Tom Anderson, R-Anchorage, the bill allows schools to create anti-bullying policies to create safe and healthy learning environments in classrooms from Alaska.

"It's a very good thing for our students and I just hope they can learn in a very safe learning environment," legislative aide Crystal Novotney, who introduced the bill on behalf of Anderson, told the committee.

Some districts have acted already. Juneau School District's harassment policy covers bullying.

The bill would give schools the option of adopting a policy by July 1, 2007, to curb violence and intimidation in schools. It also would suggest that schools report any bullying activity to the Department of Education and Early Development by each January 31 beginning with the 2007-2008 school year. It also shields students, school employees and volunteers from reprisals or from lawsuits if they report such activity.

"A lot of time what happens in schools is they turn their other cheek, basically," Novotney, said. "They understand that it's happening but the big debate is, 'Well kids will be kids.'"

The bill defines harassment, intimidation or bullying as an "intentional written, oral, or physical act" that causes physical harm, interferes with education, creates a threatening environment, or disrupts school operations.

Rep. Bob Lynn, R-Anchorage, said there are laws on the books that already protect students.

"This is another layer of paperwork that needs to be done that takes away the time of teaching basic subjects and also takes away the time supervising student behavior, which includes bullying," Lynn said.

National Education Association-Alaska Executive Director Tom Harvey testified before the committee, saying the bill provides a mechanism by which a school can produce a better climate for students to learn and teachers to teach. He said the bill would help because some schools in Alaska are getting falling grades under the federal No Child Left Behind Act, unable to meet the attendance requirements.

"Students stay home because they are bullied," Harvey said. "They stay home, they miss attendance schedules and we have a failing school under No Child Left Behind. That is not appropriate."

Rep. Carl Gatto, R-Palmer, questioned whether a certain amount of bullying is actually beneficial to a student's success.

"Is there a part of growing up where you have to have conflict or you won't tolerate society?" he said.

Sara Vitaska, a policy associate for the National Conference of State Legislatures, told the committee that 21 states have enacted anti-bullying legislation and at least 24 states introduced similar legislation in the 2005-2006 session.

With Lynn dissenting, the committee voted 4-1 to move the bill to the Health, Education and Social Services Committee. Rep. Peggy Wilson, R-Wrangell, and Rep. Woodie Salmon, D-Chalkyitsik, were absent.

Bullying Statistics

BULLYING STATISTICS

- Thirty percent (30%) of U.S. students in grades six through ten are involved in moderate or frequent bullying — as bullies, as victims, or as both — according to the results of the first national survey on this subject.
- Bullying is increasingly viewed as an important contributor to youth violence, including homicide and suicide. Case studies of the shooting at Columbine High School and other U.S. schools have suggested that bullying was a factor in many of the incidents.

RECENT STATISTICS SHOW THAT:

- 1 out of 4 kids is Bullied. The American Justice Department says that this month 1 out of every 4 kids will be abused by another youth.
- Surveys Show That 77% of students are bullied mentally, verbally, & physically.
- In a recent study, 77% of the students said they had been bullied. And 14% of those who were bullied said they experienced severe (bad) reactions to the abuse.
- 1 out of 5 kids admits to being a bully, or doing some "Bullying."
- 8% of students miss 1 day of class per month for fear of Bullies.
- 43% fear harassment in the bathroom at school.
- 100,000 students carry a gun to school.
- 28% of youths who carry weapons have witnessed violence at home.
- A poll of teens ages 12-17 proved that they think violence increased at their schools.
- 282,000 students are physically attacked in secondary schools each month.
- More youth violence occurs on school grounds as opposed to on the way to school.
- Playground statistics - Every 7 minutes a child is bullied. Adult intervention - 4%. Peer intervention - 11%. No intervention - 85%.

ACCORDING TO THE BUREAU OF JUSTICE STATISTICS - School Crime and Safety:

- 48% of males, and 23% of females reported they had been in physical fights.
- Those in the lower grades reported being in twice as many fights as those in the higher grades. However, there is a lower rate of serious violent crimes in the elementary level than in middle or high schools.
- Teenagers say revenge is the strongest motivation for school shootings
 - — 87% said shootings are motivated by a desire to "get back at those who have hurt them."
 - — 86% said, "other kids picking on them, making fun of them or bullying them" causes teenagers to turn to lethal violence in the schools.
- Students recognize that being a victim of abuse at home or witnessing others being abused at home may cause violence in school.
 - — 61% said students shoot others because they have been victims of physical abuse at home.
 - — 54% said witnessing physical abuse at home can lead to violence in school.
- Students say their schools are not safe.

STATS 2001:

SELECTED SCHOOL VIOLENCE RESEARCH FINDINGS FROM 2001 SOURCES

- According to the latest poll, thirty-two percent of parents fear for their child's physical safety when the child is at school. Thirty-nine percent of parents with a child in grade six or higher are more likely to say they fear for their child's safety. Twenty-two percent of parents whose children are in grade five or lower fear for their child's safety. (*Parents Not Overly Concerned About School Environments for Their Children*, Gallup News Service, 2001)
- Bullying generally begins in the elementary grades, peaks in the sixth through eighth grades, and persists into high school. (*Addressing the Problem of Juvenile Bullying*, Office of Juvenile Justice and Delinquency Prevention, 2001)
- Among students, homicide perpetrators were more than twice as likely as homicide victims to have been bullied by peers. (*School-Associated Violent Deaths In the United States 1994-1999*, Centers for Disease Control and Prevention and U.S. Departments of Education and Justice, 2001, findings published by the Journal of the American Medical Association, 2001)

- Overall, almost eleven percent of a representative sample of youth reported bullying others sometimes, and almost nine percent admitted to bullying others once a week or more. Experiencing bullying was reported with similar frequency, with almost nine percent bullied sometimes and just over eight percent bullied once a week or more. (Bullying Behaviors Among US Youth, Journal of the American Medical Association, 2001)
- Of a representative sample of youth, almost thirty percent reported some type of involvement in moderate or frequent bullying, as a bully, a target of bullying, or both. (Bullying Behaviors Among US Youth, Journal of the American Medical Association, 2001)
- Bullying was reported as more prevalent among males than females and occurred with greater frequency among middle school-aged youth than high school-aged youth. For males, both physical and verbal bullying was common, while for females, verbal bullying and rumors were more common. (Bullying Behaviors Among US Youth, Journal of the American Medical Association, 2001)
- Research shows that those who bully and are bullied appear to be at greatest risk of experiencing the following: loneliness; trouble making friends; lack of success in school; and involvement in problem behaviors such as smoking and drinking. (Addressing the Problem of Juvenile Bullying, Office of Juvenile Justice and Delinquency Prevention, 2001)
- Seventy-four percent of 8- to 11-year-old students said teasing and bullying occur at their schools. (Talking With Kids About Tough Issues: A National Survey of Parents and Kids, Kaiser Family Foundation and Nickelodeon, 2001)
- Though recent studies show that as many as seventy-five percent of children have been victims of bullying during their school careers, about half of parents in this survey see bullying as no problem for their children. (Are We Safe?: The 2006 National Crime Prevention Survey, National Crime Prevention Council, 2001)
- Thirty-nine percent of middle schoolers and thirty-six of high schoolers say they don't feel safe at schools. (2000 Report Card: Report #1, The Ethics of American Youth: Violence and Substance Abuse: Data & Commentary, Josephson Institute of Ethics, 2001)

— North Carolina Department of Juvenile Justice and Delinquency Prevention Center for the Prevention of School Violence

Statistics compiled by Kathy Knoll at: <http://hometown.aol.com/kthynoll>

April 24, 2001 (National Institutes of Health)

Bullying Widespread in U.S. Schools, Survey Finds:

- Bullying is widespread in American schools, with more than 16 percent of U.S. school children saying they had been bullied by other students during the current term, according to a survey funded by the National Institute of Child Health and Human Development (NICHD).
- The study appears in the April 25, 2001, Journal of the American Medical Association. Overall, 10 percent of children said they had been bullied by other students, but had not bullied others. Another 6 percent said that they had both been bullied themselves and had bullied other children. Another 13 percent of students said they had bullied other students, but had not been bullied themselves.
- "Being bullied is not just an unpleasant rite of passage through childhood," said Duane Alexander, M.D., director of the NICHD. "It's a public health problem that merits attention. People who were bullied as children are more likely to suffer from depression and low self esteem, well into adulthood, and the bullies themselves are more likely to engage in criminal behavior later in life."
- The NICHD researchers surveyed 15,688 students in grades six-through-10, in public, parochial, and other private schools throughout the U.S. The nationally representative survey was part of the U.S. contribution to the World Health Organization's Health Behavior in School Children survey, an international effort in which many countries surveyed school-age children on a broad spectrum of health-related behaviors.
- For this study, researchers defined bullying as a type of behavior intended to harm or disturb the victim, explained the study's first author, Tonya R. Nansel, Ph.D. This behavior occurs repeatedly over time and involves an imbalance of power, with the more powerful person or group attacking the less powerful one. Dr. Nansel added. Bullying may be physical, involving hitting or otherwise attacking the other person; verbal, involving name-calling or threats; or psychological, involving spreading rumors or excluding a person.
- The children were asked to complete a questionnaire during a class period that asked how often they either bullied other students, or were the target of bullying behavior. A total of 10.6 percent of the children replied that they had "sometimes" bullied other children, a response category defined as "moderate" bullying. An additional 8.8 percent said they had bullied others once a week or more, defined as "frequent" bullying. Similarly, 8.5 percent said they had been targets of moderate bullying, and 8.4 percent said they were bullied frequently.
- Out of all the students, 13 percent said they had engaged in moderate or frequent bullying of others, while 10.6 percent said they had been bullied either moderately or frequently. Some students—6.3 percent—had both bullied others and been bullied themselves. In all, 29 percent of the students who responded to the survey had been involved in some aspect of bullying, either as a bully, as the target of bullying, or both.
- Bullying occurred most frequently in sixth through eighth grade, with little variation between urban, suburban, town, and rural areas; suburban youth were 2-3 percent less likely to bully others. Males were both more likely to bully others and more likely to be victims of bullying than were females. In addition, males were more likely to say they had been bullied physically (being hit, slapped, or pushed), while females more frequently said they were bullied verbally and psychologically (through sexual comments or rumors).

- Regarding verbal bullying, bullies were less likely to make derogatory statements about other students' religion or race. "There seem to be stronger social norms against making these kinds of statements than against belittling someone about their appearance or behavior," Dr. Nansel said.
- Both bullies and those on the receiving end of bullying were more likely to have difficulty adjusting to their environment both socially and psychologically. Students who were bullied reported having greater difficulty making friends and poorer relationships with their classmates. They were also much more likely than other students to report feelings of loneliness.
- "It's likely that kids who are socially isolated and have trouble making friends are more likely to be targets of bullying," Dr. Nansel said. "In turn, other kids may avoid children who are bullied, for fear of being bullied themselves."
- The study authors also reported that bullies were more likely to be involved in other problem behaviors, such as smoking and drinking alcohol, and to do more poorly academically. However, youth who were both bullies and recipients of bullying tended to fare the most poorly of all, experiencing social isolation, as well as doing poorly in school and engaging in problem behaviors, like smoking and drinking.
- "Unfortunately, we don't know much about this group," Dr. Nansel said. "We need to learn more about them to provide them with the help they need." She added that it is not known whether these children are first bullied by others and then imitate the bullying behavior they experienced, or if they are bullies who were later retaliated against.
- The study's authors concluded that the prevalence of bullying in U.S. schools suggests a need for more research to understand, and devise ways to intervene against, bullying. The authors noted that researchers in Norway and England have shown that school intervention programs can be successful. These programs focused on increasing awareness of bullying, increasing teacher and parent supervision, establishing clear rules prohibiting bullying, and providing support and protection for those bullied.

The NICHD is part of the National Institutes of Health, the biomedical research arm of the federal government. The Institute sponsors research on development before and after birth; maternal, child, and family health; reproductive biology and population issues; and medical rehabilitation. NICHD publications, as well as information about the Institute, are available from the NICHD Web site, <http://www.nichd.nih.gov>, or from the NICHD Information Resource Center, 1-800-370-2943; e-mail NICHDInformationResourceCenter@mail.nih.gov.

Close

LEGISLATIVE RESEARCH REPORT

MARCH 11, 2005



REPORT NUMBER 05.197

ALASKA SCHOOL DISTRICT POLICIES ON BULLYING AND HARASSMENT

PREPARED FOR REPRESENTATIVE SHARON CISSNA

BY KATHLEEN L. WAKFIELD, LEGISLATIVE ANALYST

You asked about Alaska school districts' policies regarding bullying and/or harassment. Specifically, you wished to know how districts define bullying and harassment, and how they determine the motivating factors behind the behavior.

POLICIES ON BULLYING AND HARASSMENT

We contacted all school districts in Alaska about their policies regarding bullying and/or harassment. We received responses from 17 districts: Copper River, Delta/Greely, Fairbanks North Star Borough, Haines Borough, Iditarod Area, Juneau, Kenai Peninsula Borough, Klawock, Lower Yukon, Mat-Su Borough, Mt. Edgecumbe, Northwest Arctic, Pribilof, St. Mary's, Southeast Island, Valdez, and Wrangell. We received the following responses:

- ◆ Three of these school districts have no policies on bullying or harassment: Lower Yukon, St. Mary's, and Valdez. All three districts indicated that they are developing such policies.
- ◆ Copper River, Klawock, and Mt. Edgecumbe have specific policies that prohibit bullying.
- ◆ Juneau includes bullying in its policy prohibiting harassment.
- ◆ Administrators in the Mat-Su Borough School District recently developed a policy on harassment that includes bullying. The school board will address this proposed policy at its next meeting.

- Kenai, Pribilof, and Southeast Island districts have no specific policies against bullying, but include references to bullying under "Violent and Aggressive Behavior" and/or "Positive School Climate."
- Eight districts include sexual orientation or sexuality as a protected class in their policies on bullying and/or harassment. These districts are Copper River, Fairbanks North Star Borough, Haines, Juneau, Mat-Su, Mt. Edgecumbe, Northwest Arctic, and Pribilof.

The Association of Alaska School Boards (AASB) Policy Reference Manual also contains policies on harassment, bullying, violent and aggressive conduct, and sexual harassment. The AASB policies specifically address sexual orientation as a protected class. According to AASB officials, 43 school districts use the AASB policy system.¹ For example, the Iditarod, Northwest Arctic, and Pribilof school districts use the AASB policy on harassment, and administrators in Valdez are recommending that the board adopt this language on harassment, as well.² Since the policy on bullying was only released in January 2005, AASB officials do not know how many districts have adopted it, although they expect that most districts will eventually do so.

Most district policies require the school principal or a designee to investigate all reports of bullying and/or harassment, and to prepare a written report of the incident and findings. Policies provide for a range of sanctions for students found guilty of bullying or harassment, up to and including expulsion for the most serious offenses.

The attached table contains the definitions of bullying and/or harassment for the 17 districts that responded to our request, and for the AASB.

OTHER STATES' LAWS

Other states have also grappled with the issue of bullying in schools over the past several years. According to the National Conference of State Legislatures, lawmakers in Hawaii, Indiana, Kentucky, Massachusetts, Michigan, Nebraska, Nevada, New York, South Carolina, and Texas have introduced legislation this year that addresses school bullying. New Hampshire, New Jersey, Oklahoma, Oregon, Rhode Island, Vermont, and Washington have already passed legislation requiring school districts to adopt policies on bullying. In addition, a lawmaker in Washington introduced a bill this year—SB 5849—to expand the state's anti-bullying law to include "cyber-bullying," or the use of "electronic means" such as communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.³

¹ Personal communication from Sharon Young, Associate Executive Director, Association of Alaska School Boards, March 7, 2005.

² Personal communications from Joyce Turner, Board Secretary, Iditarod Area School District, February 28, 2005; Robert Boyle, Superintendent, Northwest Arctic School District, February 24, 2005; Malcolm Fleming, Superintendent, Pribilofs School District, February 24, 2005; Ernie Manzie, Superintendent, Valdez City School District, February 27, 2005.

³ We include a copy of SB 5849 as Attachment A.

In addition, the U.S. Congress has also considered bullying in schools. In 2004, Representative John Shimkus of Illinois introduced H.R. 4776 to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs. The bill died in committee.

FIRST AMENDMENT CONCERNS

While states and school districts continue to work to address bullying and harassment in schools, some challenges have been mounted due to concerns about violations of the First Amendment's free speech clause. For example, in 2001 an anti-harassment policy adopted by the Pennsylvania State College Area School District was challenged in district court.⁴ The plaintiffs—two students, and a school board member who also volunteered in the schools—argued that the policy prohibited their ability to express their beliefs about Christianity and certain moral topics such as homosexuality.

The district court disagreed with the plaintiffs, and granted the defendants' motion to dismiss. The plaintiffs appealed the case to the U.S. District Court of Appeals for the Third Circuit, which reversed the judgment, finding that the policy was "unconstitutionally overbroad since it appeared to cover substantially more speech than could be prohibited under the Tinker substantial disruption test." Maintaining that a substantial amount of offensive, distasteful speech still would not constitute actionable harassment under either federal or state law, the appeals court ruled in favor of the plaintiffs.

Also in 2001, a Christian Coalition group opposed SB 5528 and HB 1444, anti-bullying bills introduced in the Washington legislature. The group argued that the bills were "a cover for gay-rights efforts that could eventually force schools to teach about ho...sexuality in a positive light."⁵ Members of the coalition also contended that "anti-bullying policies in schools could violate the free-speech rights of students who expressed opposition to homosexuality."⁶

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

⁴ *David Warren Saxe v. State College Area School District*, 240 F.3d; U.S. App. (2001).

⁵ Mary Ann Zehr, "Legislatures Take on Bullies with New Laws," *Education Week*, May 16, 2001.

⁶ Washington lawmakers subsequently passed HB 1444, and the governor signed it into law, in 2002. We include copies of HB 1444 and RCW 28A.300.285 as Attachment B. We also include a copy of "Ask the Children: Youth and Violence—Students Speak Out for a More Civil Society, Summary and Discussion Guide," prepared by the Families and Work Institute and The Colorado Trust, as Attachment C.

School District Policies on Bullying and Harassment—Definitions

School District	Definition of Bullying	Definition of Harassment
Association of Alaska School Boards	<p>Bullying is the repeated intimidation of others by inflicting or threatening physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics. (Board Policy 5131.43(a))</p>	<p>Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability. (Board Policy 5145.5(a))</p>
Copper River School District	<p>Bullying is repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics. (Board Policy 5143)</p>	

Delta/Greely School District		Harassment means intimidation by threats of, or actual, physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct or symbols in such a manner as to convey hatred, contempt or prejudice, or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, or disability. (Board Policy 5005)
Fairbanks North Star Borough School District		Harassment includes but is not limited to any oral, written, or physical conduct relating to race, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social or cultural background, or sexual orientation that is sufficiently severe, pervasive, or persistent that it substantially interferes with or limits an individual's academic performance or creates an intimidating, hostile or offensive academic environment. (Board Policy 1012)
Haines Borough Schools		Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, creed, color, national origin, religion, sexual orientation, marital status, or disability. [Board Policy 4119.12(a), and 5145(a)]

Iditarod Area School District	No policies—adopted AASB policies on discrimination and sexual harassment.	
Juneau School District		<p>...the Board does not tolerate discrimination against, or harassment of, any member of the Juneau school community on the basis of race, color, creed, sex, national origin, age, political or religious beliefs, mental or physical condition or disability, marital status, changes in marital status, pregnancy, parenthood, social background, economic status, culture, or sexual orientation. Discriminatory harassment includes, but is not limited to, bullying, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, stereotyping, sexual advances or requests for sexual favors, physical assault or abuse, or other forms of verbal or physical harassment which adversely affect a person's employment or education or creating an intimidating, hostile, or offensive educational or working environment. Harassment includes creation of a climate of hostility and intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual or group. (Board Policy 1120)</p>

Kenai Peninsula Borough School District	<p>No specific policy, but includes the following language on bullying under other sections:</p> <p>Violent and aggressive conduct: Violent and aggressive acts include, but are not limited to, possession, threat with or use of a weapon, physical assault, verbal abuse, intimidation, extortion, bullying, gang participation, harassment, stalking, defiance, and racial slurs.</p> <p>Positive School Climate: Students shall be subject to disciplinary procedures for bullying other students or for using insults, slurs, or fighting words which may disrupt school activities. (Board Policies 3522.8 and 5137)</p>	<p>Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, disability, or any other real or perceived difference. (Board Policy 4119.12)</p>
Klawock City School District	<p>Bullying takes many forms: gossip, cruel comments, insults, snubbing, put-downs, threats (physical or verbal) and violent attacks. It is deliberate, hurtful behavior that is often repeated and a form of anti-social behavior that has no place at school. It is the intent of this policy to make sure all members of our school community remain vigilant and consistent to help insure that bullying behavior is actively resisted and stopped, and that we provide a safe school environment for all students. Any acts of bullying, at any level, will not be tolerated and will result in disciplinary action. (Board Policy 5131.95)</p>	
Lower Yukon School District	No formal policy.	No formal policy.
Matanuska-Susitna Borough School District ¹	<p>Harassment, bullying, and discrimination are prohibited. Abusive language, sexual harassment, inappropriate physical contact, racial or ethnic slurs, hazing, and other similar provocative actions are included in these categories of prohibited conduct. Harassment is behavior which is intended to trouble or annoy someone. It is the exertion of power by one person over another; it may be based on misunderstanding or a deliberate act and often contains a subjective perspective. Discrimination and harassment may be based on culture, ability, physical appearance, size, sexuality, or religion, among other things. Bullying is defined as an aggressive behavior that is intentional and that involves an imbalance of power or strength. Harassment, bullying, and discrimination can take many forms such as hitting, tripping, kicking, punching, unwanted touching, name-calling, swearing, threatening, spreading rumors, ignoring, staring, gesturing, "standing over," preventing someone from joining in an activity, hiding, sending mean notes or e-mails, or damaging someone else's property. (Board Policy 5144.1(12))</p>	

Mt. Edgecumbe	Bullying is the repeated intimidation of others by inflicting or threatening physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic status, ability or disability, or other distinguishing characteristics.	
Northwest Arctic School District		Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability [Board Policy 5145.5(a)]
Pribilof School District	No specific policy, but includes the following language on bullying under "Positive School Climate:" The schools shall not tolerate any comments or gestures which are vulgar or obscene or which denigrate others on account of gender, race, color, religion, ancestry, national origin, handicap or disadvantage. Students shall be subject to disciplinary procedures for bullying other students or using insults, slurs, or fighting words which may disrupt school activities. (Board Policy 5137)	Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, sexual orientation, marital status, pregnancy, parenthood, or disability. [Board Policy 5145.5(b)]
St. Mary's School District	No policy.	No policy.

Southeast Island School District	No specific policy, but includes the following language on bullying under "Positive School Climate:" The schools shall not tolerate any comments or gestures which are vulgar or obscene or which denigrate others on account of gender, race, color, religion, ancestry, national origin, handicap or disadvantage. Students shall be subject to disciplinary procedures for bullying other students or using insults, slurs, or fighting words which may disrupt school activities. (Board Policy 5137)	
Valdez City School District	No policy.	May adopt Association of Alaska School Boards language for harassment.
Wrangell Public Schools	No policy.	Harassment on the basis of sex, color, race, religion, national origin, age, mental or physical disability, marital status, changes in marital status, pregnancy, or parenthood is specifically prohibited. Harassment includes, but is not limited to, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, unwelcome sexual advances or requests for sexual favors, displaying offensive words, objects or pictures and other verbal or physical conduct which adversely affects an individual's educational opportunities, or has the purpose or effect of unreasonably interfering with an individual's education or creating an intimidating, hostile, or offensive education environment. (Board Policy IV-044.)
<p>Notes: Please note that those districts that submitted their policies on bullying may also have policies on harassment. Most districts also have policies specific to sexual harassment. 1 This is the proposed policy for the Matanuska-Susitna Borough School District, which the board will address at their March 16, 2005 meeting.</p>		
<p>Sources: Alaska Association of School Boards; school district superintendents.</p>		



Education Program

School Bullying: Legislation and Laws

2005 Enacted Legislation

Tennessee

HB 2114/SB 1621

Requires each Local Education Agency (LEA) to adopt a policy that prohibits harassment, intimidation, or bullying and to forward a copy of the policy to the commissioner of education by January 1, 2006; encourages school employees, volunteers, and students to report incidents of harassment, intimidation or bullying to the appropriate school authorities; provides school employee who promptly report an incident of harassment, intimidation, or bullying immunity against any suit based upon the reporting employee's failure to remedy the reported act; and encourages school districts to form harassment, intimidation or bullying prevention programs and task forces.

Virginia

HB 2266

Directs the Board of Education to include bullying in its standards for school board policies on student conduct and requires school boards to include (i) instruction on the inappropriateness of bullying in their character education programs and (ii) bullying provisions in their student conduct codes. In addition, the measure requires the reporting of incidents of stalking to principals and division superintendents. Finally, except as may be prohibited by federal law, regulation, or jurisprudence, principals must report certain violent acts, stalking, and other conduct to parents of the minor student who is the target of the conduct; included in this report is disclosure that the incident has been reported to law enforcement, and that the parent may contact law enforcement for further information. This bill is identical to HB 2879 (Marshall, R.G.).

HB 2267

Civil Immunity; school employees or volunteers reporting alleged acts of bullying or crimes. Immunizes school employees or volunteers from civil liability for the prompt good faith reporting to the appropriate school official, in compliance with specified procedures, of any alleged acts of bullying or any crimes.

2004 Enacted Legislation

New Hampshire

HB 1162

Requires school districts to notify the parents or legal guardians of the district's policies on bullying and requires that a report of any bullying incidents be made by telephone and by a written report sent by mail to the parent or legal guardian of the pupils involved.

Vermont

HB 629

Directs schools to include bullying in their policies for responding to misconduct on and off school grounds; and directs the commissioner of education to update model policies on student discipline to include a definition of bullying, a process for reporting acts of bullying, and responses to bullying.

Harassment Legislation

State Anti-bullying Policies

	X		X	X	X
			X		
	X				
		X			
		X	X	X	
				X	
		X			
		X			
			X		
	X		X	X	X
	X				
			X		X
	X		X	X	X
			X		X
	X	X	X	X	
	X	X		X	
Washington	X	X	X	X	
West Virginia	X		X	X	X

Prepared by the National Conference of State Legislatures – March 2006
 Staff Contact: Sara Vitaska, (303) 856-1647, sara.vitaska@ncsl.org

Vermont**HB 113**

Makes a variety of changes to the guidelines for harassment policies that educational institutions are required to maintain. The general definition of harassment is expanded to include written or visual conduct and conduct motivated by a student's perceived as well as actual membership in a protected category. Racial harassment is defined to mean conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, displays, or circulations of written or visual material, and taunts on manner of speech and negative references to racial customs.

Virginia**HB1331**

Relating to including hazing in the Board's guidelines and model policies for and school boards' regulations on codes of student conduct.

Archived Legislation**Select School Safety Enactments (1994-2003): Bullying and Student Harassment**

National Conference of State Legislatures (NCSL)

By Finessa Ferrell-Smith

SCHOOL BULLYING LAWS	
STATE/TERRITORY	CITATION
Arkansas	A.C.A § 6-18-514 (2004)
Arizona	HB 2368
California	Cal Ed Code § 32261, 32265, 32270, 35294.21
Colorado	C.R.S § 22-32-109.1 (2004)
Connecticut	Conn. Gen. Stat. § 10-222d (2003)
Georgia	O.C.G.A. § 20-2-751.4 (2004)
Guam	17 G.C.A § 3112.1
Illinois	105 ILCS 5/10-20.14 (2004)
Louisiana	La. R.S. 17:416.13 (2004)
New Hampshire	RSA 193-F3 (2004)
New Jersey	N.J. Stat § 18A:37-13 (2004)
New York	NY CLS Educ § 2801-a (2004)
Oklahoma	70 Okl. St. § 24-100.3-5 (2004)
Oregon	ORS § 339.356
Puerto Rico	L.P.R.A § 149f (2002)
Rhode Island	R.I. Gen Laws § 16-21-24 (2004)
Vermont	16 V.S.A. § 565 (2004)
Virginia	Va. Code § 22.1-208.01, 22.1-279.3:1, 22.1-279.6 (2005)
Washington	Rev. Code Wash. (ARCW) § 28A.300.285 (2004)
West Virginia	W. Va Code § 18-2C-1-5 (2004)

Source: NCSL 2005

Visitor counts for this page.

State	Bill Number	Last Action-Date	Summary
Alabama	HB 246	Jan-10, 2006—To House Committee on Education	N/A
Alaska	HB 233	Apr-28, 2005—From House Special Committee on Education: Do pass with substitute	Requires every governing body to adopt a policy prohibiting harassment, intimidation, or bullying.
Alaska	HB 482	Feb-13, 2006—To House Special Committee on Education	Outlines the requirement for adopting a policy prohibiting harassment, intimidation, or bullying. Outlines reporting procedures.
Arizona	HB 2325	Jan-17, 2006—Additionally referred to House Committee on Rules	Requires the school district to provide training to employed teachers to recognize and prohibit harassment, intimidation or bullying.
Arizona	HB 2368	Apr-20, 2005—Chapter No. 155	Requires every governing body to adopt a policy prohibiting harassment, intimidation, or bullying. Outlines reporting procedures.
Florida	HB 1303 SB 1848	Mar-29, 2005—In House. Laid on table. Apr-13, 2005—Withdrawn from further consideration.	Requires each local school district to adopt a policy prohibiting discrimination and harassment on school property, at school-sponsored functions, or on the school bus.
Florida	SB 1384	Jan-31, 2006—To Senate Committee on Education	Prohibits bullying or harassment of any student or school employee. Requires each local school district to adopt a policy prohibiting bullying and harassment on school property, at school-sponsored functions, or on the school bus. Outlines requirements for the policy.
Georgia	HB 424	Feb-10, 2005—To House Committee on Education	Allows each local education board to define bullying. Extends policies prohibiting bullying to apply to students from kindergarten to 12 th grade. Requires policies be developed in consultation with parent-teacher organizations, local school councils, and other

			community based organizations. Outlines minimum requirements for the policy.
Hawaii	HR 23 SCR 3	Apr-7, 2005—In House. Read third time. Passed House. Jan-25, 2006—Introduced	Requests schools to implement policy to reduce intimidation and promote safe and peaceful school environments that encourage learning.
Idaho	HCR 32	Feb-2, 2006—To House Committee on Education	Designates September 10-16, 2006, as Bullying Awareness Week
Illinois	SB 2630	Feb-16, 2006—Passed Senate***To House	Allows each school district to adopt policy preventing bullying in all grades.
Indiana	SB 285	Apr-27, 2005—Public Law No. 106	Requires the department of education to develop training for identifying, preventing, and intervening in bullying. Outlines minimum requirements for policy preventing bullying.
Iowa	HB 382	Feb-23, 2005—In House Committee on Education	Requires the board of directors of each school district to adopt and implement a policy prohibiting bullying and harassment. Outlines minimum requirements for the policy.
Iowa	SSB 2126	Feb-8, 2006—To Senate Committee on Education	Requires the board of directors of each school district to adopt and implement a policy prohibiting bullying and harassment. Outlines minimum requirements for the policy.
Kentucky	HB 270	Feb-6, 2006—To Senate Committee on Education	Requires school districts to have plans, policies, and procedures for harassment, intimidation, or bullying. Outlines requirements for the policy.
Kentucky	SB 15	Jan-5, 2006—To Senate Committee on Education	Requires school districts to establish a code prohibiting harassment, intimidation, or bullying. Outlines requirements for the code.
Maine	HB 419	Jun-3, 2005—Public Law No. 307	Defines bullying and harassment as unacceptable student behavior.
Massachusetts	HB 1029	Sept-15, 2005—In Joint	Requires the Department of Education to adopt policy

		Committee of Education: Heard. Eligible for Executive Session	prohibiting bullying. Outlines minimum requirements for the policy.
Massachusetts	HB 1067	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Establishes, in consultation with parents, guardians, teachers, administrators, students, student councils where applicable and, where appropriate, the community at large, each public school district shall promulgate and implement a safe school plan, including procedures for preventing and disciplining bullying.
Massachusetts	HB 1068	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Requires each county/school board of education to establish a policy prohibiting harassment, intimidation or bullying. Outlines minimum requirements for the policy.
Massachusetts	HB 1109	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Requires the commissioner of Education to update and distribute a model school plan on student discipline on bullying.
Massachusetts	HB 1181	Sept-15, 2005—In Joint Committee on Education: Heard. Eligible for Executive Session	Requires the department of education to mandate every public school to create a "safe school plan." Outlines the requirements for the "safe school plan."
Massachusetts	HB 3809	Feb-15, 2006—In Joint Committee on Labor and Workforce Development: Set aside for Study	Requires the division on occupation safety to analyze the cost of psychological harassment in the workplace.
Michigan	HB 4026	Jan-27, 2005—To House Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a bullying policy. Outlines minimum requirements for the policy.
Michigan	HB 4581	Mar-24, 2005—To House Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment, intimidation or bullying at school. Outlines minimum requirements for the policy

Michigan	HB 5616	Jan-31, 2006—To House Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment or bullying at school. Outlines minimum requirements.
Michigan	SB 44	Jan-25, 2005—To Senate Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment, intimidation or bullying at school. Outlines minimum requirements for the policy.
Michigan	SB 369	Apr-12, 2005—To Senate Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment, intimidation or bullying at school. Outlines minimum requirements for the policy.
Michigan	SB 1012	Jan-26, 2006—To Senate Committee on Education	Requires the board of a school district or board of directors of a public school academy to adopt a policy prohibiting harassment or bullying at school. Outlines minimum requirements.
Minnesota	HB 14	Jan-6, 2005—To House Committee on Education Policy and Reform	Requires the commissioner of education to make a model policy prohibiting intimidation and bullying available to school boards and schools. Requires each school board to adopt policy prohibiting intimidation and bullying of any student. Outlines minimum requirements for the policy.
Minnesota	HB 408 SB 40 SB 41	Jan-24, 2005—To House Committee on Education Policy and Reform Jan-6, 2005—To Senate Committee on Education Jan-6, 2005—To Senate Committee on Education	Requires the commissioner of education to make a model policy prohibiting intimidation and bullying available to school boards and schools. Requires each school board to adopt policy prohibiting intimidation and bullying of any student. Outlines minimum requirements for the policy.

Minnesota	HB 2152 SB 1939	Mar-29, 2005—To House Committee on Civil Law and Elections Mar-29, 2005—To Senate Committee on Judiciary	Allows school districts to release information on a juvenile pertaining to incidences of bullying to the juvenile justice system.
Missouri	HB 1218	Jan-27, 2006—To House Committee on Elementary and Secondary Education	Requires each school district to establish and adopt a policy prohibiting harassment, intimidation, or bullying at school. Outlines minimum requirements for the policy.
Missouri	HB 1502	Jan-26, 2006—To House Committee on Elementary and Secondary Education	Prohibits bullying or discrimination on school property, at any school function, or on a school bus. Requires each school district to establish and adopt a policy prohibiting harassment, intimidation, or bullying at school. Outlines minimum requirements for the policy.
Nebraska	LR 55	Mar-23, 2005—Passed Legislature	Designates September 12-16, 2005, as Nebraska School Bullying Awareness Week.
Nebraska	LR 109	May-9, 2005—To Legislative Committee on Executive Board	Authorizes a study to determine the feasibility of establishing a policy prohibiting bullying behavior in public schools.
New Jersey	AB 744 AB 3791 SB 993 SB 2222	Jan-10, 2006—To Assembly Committee on Education Feb-14, 2005—To Assembly Committee on Education Jan-17, 2006—To Senate Committee on Education May-23, 2005—From Senate Committee on Education	Prohibits bullying, intimidation and harassment from occurring through electronic communication, including but not limited to, a telephone, cellular phone, computer or pager.
New Jersey	AB 1181	Jan-10, 2006—To Assembly Committee on Education	Appropriates \$70,000 in FY 2005 to the Department of Education to reimburse school districts for the costs of establishing programs for the prevention of

			harassment and bullying.
New Mexico	HJM 8	Jan-19, 2006—To Senate Committee on Corporations and Transportation.	Requests the Labor Department to convene a task force to study bullying in the workplace.
New York	AB 1755	Jan-21, 2005—To Assembly Committee on Education	Requires instruction on civility, citizenship and character education to include methods of discouraging bullying. Prohibits bullying on school property or school functions. Requires school employees to report suspected bullying. Specifies bullying shall be disciplined according to the district's code of conduct. Establishes aggravated harassment of a teacher or school personnel is a class B misdemeanor.
New York	AB 3185 AB 9406	Feb-1, 2005—To Assembly Committee on Codes Jan-11, 2006—To Assembly Committee on Codes	Prohibits bullying on school property or school functions. Requires school employees to report suspected bullying. Specifies bullying shall be disciplined according to the district's code of conduct. Grants immunity to school employees that report bullying. Requires the commissioner to create a central registry for reporting alleged bullying or hazing.
New York	AB 8218	May-12, 2005—To Assembly Committee on Education	Requires the commissioner, in consultation with parents, school personnel and other interested parties, to promulgate rules and regulations prohibiting bullying, harassment, or intimidation.
New York	SB 5703	Jun-15, 2005—To Senate Committee on Rules	Creates an anti-bullying act. Prohibits bullying on school property or school functions. Specifies bullying shall be disciplined according to the district's code of conduct.
Ohio	HB 276	Jan-31, 2006—To Senate Committee on Education	Requires each board of education, in consultation with parents, school employees, school volunteers,

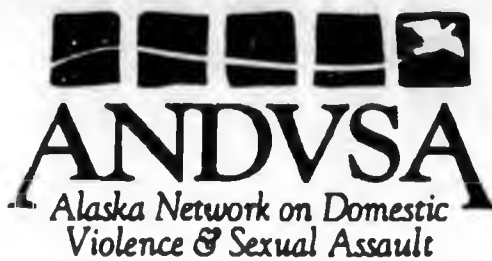
			students, and community members, to establish policy prohibiting bullying, harassment, or intimidation.
Pennsylvania	HB 178	Jun-29, 2005—In House. Laid on Table	Requests school entities to adopt policy prohibiting bullying, harassment, or intimidation.
Pennsylvania	HB 772 SB 1013	Mar-14, 2005—To House Committee on Education Nov-14, 2005—To Senate Committee on Education	Requires each school district to develop a coordinated bullying and student intimidation prevention plan. Requires the plan to be submitted to the Department of Education for approval.
Pennsylvania	SB 71	Jan-31, 2005—To Senate Committee on Education	Requires all school entities to establish policy or student code of conduct prohibiting bullying.
South Carolina	HB 3573	Feb-16, 2005—To House Committee on Education and Public Works	Requires each local school district, in consultation with parents and guardians, school employees, volunteers, students, administrators, and community representatives, to adopt a policy prohibiting harassment, intimidation, or bullying at school.
Tennessee	HB 2114	May-19, 2005—Public Chaptered. Chapter No. 202	Requires each school district to adopt policy prohibiting harassment, intimidation or bullying. Outlines minimum requirements for the policy.
Tennessee	HB 2470 SB 2687	Feb-8, 2006—To House Committee on Education Feb-9, 2006—Introduced	Requires local education agency to adopt a policy prohibiting harassment, intimidation, or bullying of teachers by principals or administrators. Outlines minimum requirements for the policy.
Utah	SCR 1	Feb-16, 2006—To House Committee on Health and Human Services	Request parents, individuals, and organizations to review and assist in the adoption of policies prohibiting bullying.
Virginia	HB 2266 HB 2879	Mar-21, 2005—Acts of Assembly. Chapter No. 461 Mar-21, 2005—Acts of Assembly. Chapter No. 484	Requires bullying to be included in the code for student conduct.
Virginia	HB 2267	Mar-21, 2005—Acts of Assembly.	Prohibits a school employee or school volunteer from

		Chapter No. 462	being held liable for reporting alleged acts of bullying.
Washington	HB 1968	Mar-3, 2005—Referred to House Committee on Appropriations	Encourages employers to create policy prohibiting bullying in the workplace.
Wisconsin	AB 627 SB 310	Aug-30, 2005—To assembly Committee on Education Jan-6, 2006—In assembly. Amendment No. 3 offered.	Requires the Department of Public Instruction to create a model school policy on bullying. Requires each school board to develop and adopt a policy prohibiting bullying.

Created February 24, 2006

Source: Lexis Search

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April 6, 2006

The Honorable Tom Anderson
State House of Representatives
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Anderson:

The Alaska Network on Domestic Violence & Sexual Assault is a statewide coalition of member shelter and community based programs that provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to thank you for introducing House Bill 482, "An Act related to harassment, intimidation, and bullying in schools", and offer our support.

Bullying in our schools is a form of interpersonal violence. As with all such violence, there can be devastating consequences and we must rise up as a community to condemn and prevent it. Many of our member programs work in schools across Alaska to teach children and staff about the damaging effects of bullying, and to teach them positive, effective responses. Unfortunately, all too often children tell us there is lots of bullying in their schools, they expect it and they think there's nothing adults can do to change it. We believe this legislation will be a positive influence and help protect children.

Thank you for your leadership in addressing this issue.

Please let me know if I can offer other support for this legislation.

Sincerely,

Peggy Brown
Executive Director

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC
Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

TESTIMONY HB 482

TOM HARVEY, NEA-ALASKA EXECUTIVE DIRECTOR

Chairman Neuman and members of the House Special Committee on Education. My name is Tom Harvey and I serve as the Executive Director for NEA-Alaska. NEA-Alaska represents over 11,400 active public school employees and over 1,300 retired public school teachers.

NEA-Alaska thanks Rep. Anderson for bringing this legislation forward. NEA-Alaska has adopted several resolutions that address the issues of harassment, intimidation and bullying.

We believe that a safe and effective school climate is necessary for promoting educational excellence in public schools. The Association also believes that all education employees, parents/guardians, students, school governing boards, and community members and agencies must work cooperatively to establish and maintain safe and orderly school communities. Students and education employees must be safe from physical, verbal, and psychological violence, the threat thereof, and all forms of harassment. There must be procedures to prevent and eliminate all types of harassment that might occur. Plans and procedures regarding discipline and/or harassment must include due process.

These plans and procedures must be provided to police and other community agencies that might be called upon when harassment, intimidation or bullying is detected. Parents/guardians must be made aware of the existence of these plans.

The Association also believes that students must be taught strategies and skills, including conflict resolution, that develop respect, self-discipline, and self-control. Students must learn to distinguish between their own rights and responsibilities and the rights and responsibilities of others. There must be appropriate services and placement within regular education and alternative education programs and/or with state and/or community agencies for students who disrupt the learning environment or who are dangerous to other students, education employees, and themselves.

The Association believes that a safe and effective school has a positive environment in which education employees, students, parents/guardians, and the community care for, communicate with, respect, understand, and trust each other.

The Association has developed several resources for schools, parents, students and community groups to utilize in their efforts to combat harassment, intimidation and bullying. Those resources are attached to this testimony.

Every school in Alaska ought to be a sanctuary where all students can learn, teachers can teach, and other school employees can work without the fear of intimidation or harassment. Many school districts are already engaged in good efforts to address these issues. Rep. Anderson's proposed legislation guarantees that every school will take the steps necessary to provide a good school climate for learning.

Safe Schools Manual: A Resource on Making Schools, Communities, and Families Safe for Children

NEA's *Safe Schools Manual: A Resource on Making Schools, Communities, and Families Safe for Children* synthesizes the best research on school safety and offers guidelines on making children safe in three broad areas: schools, communities, and families. This important publication was updated in October 2005. Please use this resource in your community. <http://www.nea.org/schoolsafety/safeschoolsmanual.html>

NEA School Safety Resources

<http://www.nea.org/schoolsafety/nearesources-schoolsafety.html>

NEA's National Bullying Awareness Campaign

NEA has been working with other national organizations to reduce, and eventually eradicate, bullying in America's public schools. Read [more about the problem and how you can help](#). And here are some additional resources here on www.NEA.org on bullying:

- [The ABCs of School Bullying](#): Tips for parents and teachers
- [Stop Bullying Now!](#): activities to teach tolerance and prevent bullying
- [Conflict Resolution](#): From bullying to international justice, activity ideas from PBS TeacherSource address conflict resolution
- [A Child's Plea Becomes an Adult's Crusade](#): Author Jodee Bianco talks about bullying
- [Are You a Bully?](#): Do teachers bully, too? Or, is it good classroom management?



BOYS & GIRLS CLUBS

www.bgcalaska.org

Representative Tom Anderson
State Capitol Room 408
Juneau, Alaska 99801

April 19, 2006

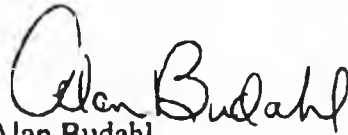
Dear Representative Anderson,

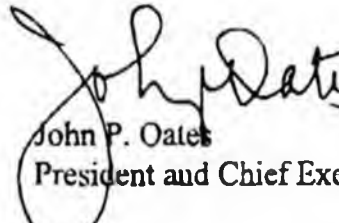
On behalf of Boys & Girls Clubs Board of Directors and professional staff, we are writing to extend Boys & Girls Clubs' support for House Bill 482, legislation designed to encourage anti-bullying policies for schools and youth agencies. As you are well aware, our organization has been operating youth development programs for 40 years. In 1998, we eagerly undertook a Statewide Expansion Initiative that has developed Clubhouses in 29 rural Alaskan communities. This initiative, combined with our steady expansion in urban communities, has broadened our total impact to 30,000 youth in 38 Alaskan communities.

Our members' challenges range from peer pressure to poor grades, hunger, abusive homes, or families stretched thin due to health issues. For every child that walks through a Clubhouse door, we listen, we comfort, we challenge and cheer. Boys & Girls Clubs looks forward to cooperating with school districts around the state to develop, implement and enforce anti-bullying and harassment policies to ensure safe and nurturing schools and Clubhouses.

Again, thank you for sponsoring this legislation for vulnerable youth. Boys & Girls Club appreciates your support of our programs and your commitment to Alaska's youth.

Sincerely,


Alan Budahl
Board of Directors, Chair


John P. Oates
President and Chief Executive

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Testimony in Favor of HOUSE BILL No. 482 (EDU)

Submitted by

Allan A. Morotti, Ph.D.

Associate Professor

University of Alaska Fairbanks

I am in favor of this legislation as it addresses directly a significant safety issue facing public and private education today. I offer the following studies as cited in the book titled *Bullying from Both Sides: Strategic Interventions for Working with Bullies and Victims* by Dr. Walter Roberts, Jr. (2005) for support for my position. In addition to this work, Dr. Roberts and I have published and presented on this topic together at the national level.

American Association of University Women Educational Foundation
Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School (2001)

2,064 students, ages 8-11, were surveyed on their experiences with both sexual and generic harassment.

83% of girls and 79% of boys reported having experienced some form of harassment in their schools.

76% of all students indicated that this harassment was nonphysical.

58% of all students indicated that this harassment was physical.

28% of boys and 15% of girls indicated that the gym locker room as a location to receive nonphysical harassment.

15% of boys and 9% of girls indicated that the restroom was also a location to receive nonphysical harassment.

Approximately 56%-to-61% of both physical and nonphysical harassment was reported as happening in the classroom where a teacher was present.

Approximately 64%-to-71% of both physical and nonphysical harassment occurred in school hallways.

Kaiser Family Foundation and Nickelodeon Television
Talking with Kids About Tough Issues: A National Survey of Parents and Kids (2001)

This survey included responses from 823 children and adolescents.

55% of 8-11 year olds and 68% of 12-15 year olds said that bullying was a significant problem for children their age.

74% of 8-11 year olds and 86% of 12-15 year olds indicated that children were bullied or teased in their schools.

43% of 8-11 year olds and 67% of 12-15 year olds indicated that peers in their schools were treated badly because they were different.

38% of 8-11 year olds and 60% of 12-15 year olds reported that peers in their schools were threatened with violence.

54% of 8-11 year olds and 40% of 12-15 year olds said that they would like to know more about ways to stop bullying and teasing.

**The Journal of the American Medical Association (JAMA)
*Bullying Behaviors Among U.S. Youths: Prevalence and Association with Psychological Adjustme... (2001)***

JAMA surveyed approximately 16,000 6th through 10th grade students in both American public and private schools.

Approximately 30% of the students said that they were somehow involved in the bully-victim relationship either as a bully, victim, or both.

Approximately 56% of the students reported either being hit, slapped, or pushed.

Nearly 60% of the students indicated that they had been subjected to rumors at one time or another.

More than 50% of the students stated that they had been the victim of comments regarding their sexuality, or of a sexual nature, or had sexual gestures made toward them.

Furthermore, a fact commonly cited in the ultimate act of violence toward others (i.e., school shootings) is that over 50% the "school shooter(s)" have been reported as having a history of being bullied or harassed at school. In utilizing research on this topic in our national presentations (Roberts & Morotti) there identifiable consequences related to the fear of being victimized in school. These include: distraction from educational goals; decline in academic performance as evidenced by the correlation between fearfulness and lower GPAs; increased absence rates with no attending illnesses; and a decline in students' ability to learn in class. Therefore, based upon this knowledge I fully support HB 482 in order to make our schools a safe learning environment for all children and adolescents.

Respectfully yours,

Allan Morotti, Ph.D.

§ 20-33-8-13.5. Disciplinary rule requirements -- Section does not give rise to cause of action

(a) Discipline rules adopted by the governing body of a school corporation under section 12 [IC 20-33-8-12] of this chapter must:

- (1) prohibit bullying; and
- (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention.

(b) The discipline rules described in subsection (a) must apply when a student is:

- (1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;
- (2) off school grounds at a school activity, function, or event;
- (3) traveling to or from school or a school activity, function, or event; or
- (4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

HISTORY: P.L.106-2005, § 7.

FOCUS - 19 of 63 DOCUMENTS

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*** ANNOTATIONS CURRENT THROUGH NOVEMBER 4, 2005 ***

LOUISIANA REVISED STATUTES
TITLE 17. EDUCATION
CHAPTER 2. TEACHERS AND EMPLOYEES
PART 1. GENERAL PROVISIONS

GO TO LOUISIANA STATUTES ARCHIVE DIRECTORY

La. R.S. 17:416.13 (2005)

§ 17:416.13. Student code of conduct; requirement; harassment, intimidation, and bullying; prohibition; exemptions

A. By not later than August 1, 1999, each city, parish, and other local public school board shall adopt a student code of conduct for the students in its school system. Such code of conduct shall be in compliance with all existing rules, regulations, and policies of the board and of the State Board of Elementary and Secondary Education and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken against any student who violates the code of conduct.

La. R.S. 17:416.13

B. (1) By not later than August 1, 2001, each city, parish, and other local public school board shall adopt and incorporate into the student code of conduct as provided in this Section a policy prohibiting the harassment, intimidation, and bullying of a student by another student.

(2) For purposes of this Subsection, the terms "harassment", "intimidation", and "bullying" shall mean any intentional gesture or written, verbal, or physical act that:

(a) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and

(b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

(3) Any student, school employee, or school volunteer who in good faith reports an incident of harassment, intimidation, or bullying to the appropriate school official in accordance with the procedures established by local board policy shall be immune from a right of action for damages arising from any failure to remedy the reported incident.

(4) The provisions of this Subsection shall not apply to the parishes of Livingston, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, and Tangipahoa.

HISTORY: Acts 1999, No. 969, § 1, eff. July 9, 1999; Acts 2001, No. 230, § 1, eff. June 1, 2001.

FOCUS - 22 of 63 DOCUMENTS

NEW HAMPSHIRE REVISED STATUTES ANNOTATED

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*** STATUTES CURRENT THROUGH THE 2005 SESSION ***

*** ANNOTATIONS CURRENT THROUGH CASES DECIDED JULY 19, 2005 ***

TITLE XV Education

CHAPTER 193-F Pupil Safety and Violence Prevention

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

RSA § 193-F:3 (2005)

§ 193-F:3 Pupil Safety and Violence Prevention.

I. (a) Each local school board shall adopt a pupil safety and violence prevention policy which addresses pupil harassment, also known as "bullying", and which is consistent with the provisions of this chapter. Such policy shall include language which details the action to be taken by the local school board to resolve and remediate occurrences of pupil harassment.

(b) At the beginning of each school year, school districts shall, in writing, inform the parent, legal guardian, or other person responsible for the welfare of the pupil of the district's pupil safety and violence prevention policy and the appeals process available at the local and state levels.

II. (a) Any school employee, or employee of a company under contract with a school or school district, who has witnessed or has reliable information that a pupil has been subjected to insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response that violates the school bullying policy shall report such incident to the principal, or designee, who shall in turn report the incident to the superintendent and the school board.

N.J. Stat. § 18A:37-15

(2) a definition of harassment, intimidation or **bullying** no less inclusive than that set forth in section 2 of this act [18A:37-14];

(3) a description of the type of behavior expected from each student;

(4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or **bullying**;

(5) a procedure for reporting an act of harassment, intimidation or **bullying**, including a provision that permits a person to report an act of harassment, intimidation or **bullying** anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(6) a procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;

(7) the range of ways in which a **school** will respond once an incident of harassment, intimidation or **bullying** is identified;

(8) a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or **bullying** and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

(9) consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or **bullying**; and

(10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in **school**-sponsored functions.

c. A **school** district shall adopt a policy and transmit a copy of its policy to the appropriate county superintendent of **schools** by September 1, 2003.

d. To assist **school** districts in developing policies for the prevention of harassment, intimidation or **bullying**, the Commissioner of Education shall develop a model policy applicable to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

e. Notice of the **school** district's policy shall appear in any publication of the **school** district that sets forth the comprehensive rules, procedures and standards of conduct for **schools** within the **school** district, and in any student handbook.

HISTORY: L. 2002, c. 83, § 3.

FOCUS - 26 of 63 DOCUMENTS

LexisNexis (TM) New Jersey Annotated Statutes

*** CURRENT THROUGH P.L. 2005 CHAPTER 227 ***
 *** ANNOTATIONS CURRENT THROUGH SEPTEMBER 30, 2005 ***

TITLE 18A. EDUCATION
 SUBTITLE 6. SCHOOL CONDUCT
 CHAPTER 37. DISCIPLINE OF PUPILS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

N.J. Stat. § 18A:37-16 (2005)

§ 18A:37-16. Reprisal, retaliation, and false accusation prohibited

N.J. Stat. § 18A:37-16

a. A school employee, student or volunteer shall not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or **bullying**.

b. A school employee, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or **bullying** shall report the incident to the appropriate school official designated by the school district's policy.

c. A school employee who promptly reports an incident of harassment, intimidation or **bullying**, to the appropriate school official designated by the school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

HISTORY: L. 2002, c. 83, § 4.

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LexisNexis (TM) New Jersey Annotated Statutes

*** CURRENT THROUGH P.L. 2005 CHAPTER 227 ***
 *** ANNOTATIONS CURRENT THROUGH SEPTEMBER 30, 2005 ***

TITLE 18A. EDUCATION
 SUBTITLE 6. SCHOOL CONDUCT
 CHAPTER 37. DISCIPLINE OF PUPILS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

N.J. Stat. § 18A:37-17 (2005)

§ 18A:37-17. Establishment of **bullying** prevention programs

a. **Schools and school** districts are encouraged to establish **bullying** prevention programs, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members.

b. To the extent funds are appropriated for these purposes, a school district shall: (1) provide training on the school district's harassment, intimidation or **bullying** policies to school employees and volunteers who have significant contact with students; and (2) develop a process for discussing the district's harassment, intimidation or **bullying** policy with students.

c. Information regarding the school district policy against harassment, intimidation or **bullying** shall be incorporated into a school's employee training program.

HISTORY: L. 2002, c. 83, § 5.

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*** THIS SECTION IS CURRENT THROUGH CH. 713, 10/04/2005 ***
 *** WITH THE EXCEPTION OF CHS. 243, 434, 438, 446, 499, 544, 553, 574, 604, 609, 666 and 711 ***

ORS § 339.359

TITLE 30. EDUCATION AND CULTURE
 CHAPTER 339. SCHOOL ATTENDANCE; ADMISSION; DISCIPLINE; SAFETY
 SCHOOL SAFETY
 HARASSMENT, INTIMIDATION AND BULLYING

GO TO OREGON REVISED STATUTES ARCHIVE DIRECTORY

ORS § 339.359 (2003)

339.359. Prevention task forces, programs, and other initiatives.

School districts are encouraged to form harassment, intimidation or **bullying** prevention task forces, programs, and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

HISTORY: 2001 c.617 § 6

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OREGON REVISED STATUTES

*** THIS DOCUMENT IS CURRENT THROUGH THE 2003 REGULAR SESSION OF THE 72ND LEGISLATIVE ASSEMBLY ***

*** ANNOTATIONS CURRENT THROUGH AUGUST 31, 2005 ***

TITLE 30. EDUCATION AND CULTURE
 CHAPTER 339. SCHOOL ATTENDANCE; ADMISSION; DISCIPLINE; SAFETY
 SCHOOL SAFETY
 HARASSMENT, INTIMIDATION AND BULLYING

GO TO OREGON REVISED STATUTES ARCHIVE DIRECTORY

ORS § 339.362 (2003)

339.362. Retaliation against victims and witnesses prohibited; school employee immunity.

(1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or **bullying**.

(2) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or **bullying** is encouraged to report the act to the appropriate school official designated by the school district's policy.

(3) A school employee who promptly reports an act of harassment, intimidation or **bullying** to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

HISTORY: 2001 c.617 § 5

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OREGON REVISED STATUTES

R.I. Gen. Laws § 16-21-24

(3) Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics, or other maps of the school interior and school grounds, and road maps of the immediate surrounding area;

(4) Establishment of internal and external communication systems in emergencies;

(5) Definition of the chain of command in a manner consistent with the national interagency incident management system/incident command system;

(6) Procedures for review and the conduct of drills and other exercises to test components of the emergency response plan; and

(7) Policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property.

HISTORY: P.L. 2001, ch. 151, § 1; P.L. 2004, ch. 42, § 1; P.L. 2004, ch. 103, § 1.

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General Laws of Rhode Island

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*** Current through the January 2005 Session ***

*** Annotations current through August 26, 2005 ***

TITLE 16. EDUCATION
CHAPTER 21. HEALTH AND SAFETY OF PUPILS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

R.I. Gen. Laws § 16-21-26 (2005)

§ 16-21-26. Student discipline codes

(a) As used in this section:

(1) "At school" means in a classroom, elsewhere on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is held on school premises.

(2) "Harassment, intimidation or bullying" means an intentional written, verbal or physical act or threat of a physical act that, under the totality of circumstances:

(i) A reasonable person should know will have the effect of: physically harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, or placing a student in reasonable fear of damage to his or her property; or

(ii) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

(b) The board of a school district of a public school shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The policy shall specifically prohibit harassment, intimidation and bullying by students at school and address prevention of an education about such behavior. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, pupils, school administrators and community representatives.

(c) Each school district shall adopt the policy under this section and transmit a copy of its policy to the commissioner of elementary and secondary education and director of the department of education by September 1, 2004.

(d) To assist school districts and public schools in developing policies for the prevention of harassment, intimidation or bullying, the department of education shall develop a model policy applicable to grades K-12. This model policy shall be issued no later than December 1, 2003.

(e) A school district shall ensure that notice of the school district's or public school's policy under this section is included in any publication of the school district or public school policy that sets forth the comprehensive rules, procedures and standards of conduct for its schools and in its pupil handbook.

(f) A school employee, pupil or volunteer shall not, nor shall those individuals solicit others with the intent to engage in reprisal, retaliation or false action against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

(g) A school employee, pupil or volunteer who has witnessed or has reliable information that a pupil has been subjected to harassment, intimidation or bullying, whether written, verbal or physical, is encouraged to report the incident to the appropriate school official designated by the school district's or public school's policy.

(h) A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official designated by the school district's or public school's policy, and who makes this report in compliance with the procedures in the policy prohibiting harassment, intimidation or bullying is not liable for damages arising from any failure to remedy the reported incident.

(i) Public schools and school districts are encouraged to form bullying prevention task forces, programs and other initiatives involving school staff, pupils, administrators, volunteers, parents, law enforcement and community members.

(j) Each school district or public school shall do all of the following:

(1) Provide training on the school district's or public school academy's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with pupils.

(2) Develop a process for discussing the harassment, intimidation or bullying policy with pupils.

(k) A school district or public school academy shall incorporate information regarding the school district or public or private school academy's policy against harassment, intimidation or bullying into each school's employee training program.

(l) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

HISTORY: P.L. 2003, ch. 204, § 2; P.L. 2003, ch. 213, § 2.

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*** CURRENT THROUGH THE 2005 SESSION ***
*** ANNOTATIONS CURRENT THROUGH June 24, 2005 ***

TITLE 19. EDUCATION
CHAPTER 6. ELEMENTARY AND SECONDARY EDUCATION
PART 10. CURRICULUM GENERALLY

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

Tenn. Code Ann. § 49-6-1016

(7) A statement of the manner in which a school district shall respond after an act of harassment, intimidation or **bullying** is reported, investigated and confirmed;

(8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or **bullying**;

(9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or **bullying** and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

(10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or **bullying** as a means of reprisal or retaliation or as a means of harassment, intimidation or **bullying**;

(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities;

(12) The identification by job title of school officials responsible for ensuring that the policy is implemented; and

(13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity.

HISTORY: Acts 2005, ch. 202, § 1.

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*** CURRENT THROUGH THE 2005 SESSION ***
*** ANNOTATIONS CURRENT THROUGH June 24, 2005 ***

TITLE 49. EDUCATION
CHAPTER 6. ELEMENTARY AND SECONDARY EDUCATION
PART 10. CURRICULUM GENERALLY

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

Tenn. Code Ann. § 49-6-1018 (2005)

49-6-1018. Reprisal or retaliation prohibited -- Reporting harassment, intimidation or **bullying** -- Immunity from damages

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation or **bullying**.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or **bullying** is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation or **bullying** to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

HISTORY: Acts 2005, ch. 202, § 1.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or **bullying**.

(3) The policy should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or **bullying**.

(4) By August 1, 2002, the superintendent of public instruction, in consultation with representatives of parents, school personnel, and other interested parties, shall provide to school districts and educational service districts a model harassment, intimidation, and **bullying** prevention policy and training materials on the components that should be included in any district policy. Training materials shall be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the office of the superintendent of public instruction's web site, with a link to the safety center web page. On the web site:

(a) The office of the superintendent of public instruction shall post its model policy, recommended training materials, and instructional materials;

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available; and

(c) Individual school districts shall have direct access to the safety center web site to post a brief summary of their policies, programs, partnerships, vendors, and instructional and training materials, and to provide a link to the school district's web site for further information.

HISTORY: 2002 c 207 § 2.

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*** STATUTES CURRENT THROUGH 2004 GENERAL ELECTION (2005 c 2) ***
*** ANNOTATIONS CURRENT THROUGH JUNE 21, 2005 ***

TITLE 28A. COMMON SCHOOL PROVISIONS
CHAPTER 28A.600. STUDENTS

GO TO REVISED CODE OF WASHINGTON ARCHIVE DIRECTORY

Rev. Code Wash. (ARCW) § 28A.600.480 (2005)

§ 28A.600.480. Reporting of harassment, intimidation, or **bullying** -- Retaliation prohibited -- Immunity

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or **bullying**.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or **bullying**, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or **bullying** to an appropriate school official, and who makes this report in compliance with the procedures in the district's

policy prohibiting **bullying**, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

HISTORY: 2002 c 207 § 4.

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 *** Annotations current through May 27, 2005.***

Chapter 18 Education
 Article 2C Harassment, Intimidation or **Bullying** Prohibition

GO TO WEST VIRGINIA STATUTES ARCHIVE DIRECTORY

W. Va. Code § 18-2C-1 (2005)

§ 18-2C-1 Legislative findings

The Legislature finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The Legislature finds that harassment, intimidation or **bullying**, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, nonthreatening environment.

The Legislature further finds that students learn by example. The Legislature charges school administrators, faculty, staff and volunteers with demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or **bullying**.

HISTORY: 2001, c. 103.

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Chapter 18 Education
 Article 2C Harassment, Intimidation or **Bullying** Prohibition

GO TO WEST VIRGINIA STATUTES ARCHIVE DIRECTORY

W. Va. Code § 18-2C-4

Article 2C Harassment, Intimidation or **Bullying** Prohibition

GO TO WEST VIRGINIA STATUTES ARCHIVE DIRECTORY

W. Va. Code § 18-2C-4 (2005)

§ 18-2C-4 Immunity

A **school** employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident, if that person:

- (1) In good faith promptly reports an incident of harassment, intimidation or **bullying**;
- (2) Makes the report to the appropriate **school** official as designated by policy; and
- (3) Makes the report in compliance with the procedures as specified in policy.

HISTORY: 2001, c. 103.

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Chapter 18 Education
Article 2C Harassment, Intimidation or **Bullying** Prohibition

GO TO WEST VIRGINIA STATUTES ARCHIVE DIRECTORY

W. Va. Code § 18-2C-5 (2005)

§ 18-2C-5 Policy training and education

(a) **Schools** and county boards are encouraged, but not required, to form **bullying** prevention task forces, programs and other initiatives involving **school** staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

(b) To the extent state or federal funds are appropriated for these purposes, each **school** district shall:

(1) Provide training on the harassment, intimidation or **bullying** policy to **school** employees and volunteers who have direct contact with students; and

(2) Develop a process for educating students on the harassment, intimidation or **bullying** policy.

(c) Information regarding the county board policy against harassment, intimidation or **bullying** shall be incorporated into each **school's** current employee training program.

HISTORY: 2001, c. 103.



Web posted June 2, 2005

Hoonah School District found liable in slashing

By TONY CARROLL
JUNEAU EMPIRE

The Hoonah School District has been ordered to pay more than \$80,000 to the victim of a 2002 classroom slashing attack involving high school girls.

Juneau Superior Court Judge Patricia Collins issued the judgment last week based on a jury's verdict at the April trial. Jurors found the school district 95 percent liable for damages to the victim, who was 13 at the time. They set pre-interest damages at \$61,740.

"The school had the duty to protect its students," said Louis Menendez, who filed the suit in April 2003 on behalf of Christopher Mills, father of the victim. He said he was not surprised by the way the jury divided the liability.

In the final judgment Collins ordered the Hoonah School District to pay \$58,653 of the award, plus \$23,750 in interest. She ordered the assailant to pay \$3,087 plus \$1,250 in interest.

The girl who committed the assault, who was 14, was named as a defendant in the suit. Because of her age, her name is not printed.

"She was barely out of childhood," her attorney, Tony Strong, said Wednesday. He said the victim actually was his client's best friend.

Strong said the principal could have prevented the assault by separating the girls.

Anchorage attorney Frank Koziol, who represented the school district, declined to comment on the case.

Strong said both girls testified at trial that his client told the principal to "do something" about the victim shortly before the assault, although the girls disagreed on whether she said she would "kill her."

On Feb. 13, 2002, with no teacher in Room 418, Strong's client attacked the victim "without provocation," Menendez alleged. She used a butane lighter that had been modified to include sharpened metal edges.

Before a teacher came into a classroom and separated the girls, the victim sustained cuts on both sides of her face, on her right eyelid and below the right eyebrow, according to Menendez' complaint, which was illustrated with pictures of the injuries.

Menerdez argued the defendant failed to adequately supervise the classroom, and that school officials knew or should have known the assailant was violent.

Strong said an alleged threat made by his client against a substitute teacher on Jan. 25, 2002, was taken out of context. He said her statement that she would get a gun and kill the woman if there weren't any laws came as part of a rambling statement after the substitute sent her to the principal's office.

After that statement, police were notified and the school brought in a psychologist to see the girl, Strong explained. He said the psychologist allowed his client back into school before the assault.

Menendez argued in his original complaint that the school had an obligation to discover the assailant was carrying a weapon and to warn other students and parents if a student is carrying a weapon.

Strong argued that his client was being harassed by other students. She and her mother had gone to school officials looking for something to be done. He said the girl was a straight-A student until she got to the seventh grade and started drinking and associating with an older crowd.

He said he believes testimony showing his client was harassed influenced the jury. He talked with jury members after the trial. During the trial, one juror in a note to the judge asked about the school's policy on harassment, he added.

The jury established the victim's losses at \$25,000 for past noneconomic damages, \$5,100 for future noneconomic damages and \$31,640 for future economic damages.

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Anchorage Daily News

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School Board to consider deal in assault case**NEGLIGENT: Lawyers reached a settlement of more than \$50,000 for 6-year-old attacked in the bathroom.**By KATIE PESZNECKER
Anchorage Daily News*(Published: May 6, 2006)*

Lawyers representing the Anchorage School District and a 6-year-old boy who was sexually assaulted by a classmate in a school bathroom have reached a tentative settlement.

The School Board will consider the deal in a closed-door session Monday afternoon before its regular meeting. Neither party would reveal the amount of the potential agreement Friday, but if board approval is required, it tops \$50,000.

"We made good progress with the assistance of Judge (Craig) Stowers," Superintendent Carol Comeau said. "And the judge made a recommendation that we will present to the School Board in executive session and we're hopeful this will bring things to a conclusion."

Dennis Maloney, attorney for the victim child and his parents, confirmed the parties reached agreement this week, contingent on approval by the School Board.

All board president Jeff Friedman would say Friday was "we'll give it every due consideration."

The two sides have been battling in court hearings over the past year about the issues raised by the lawsuit. With trial set for May 17, trial Judge Mark Rindner has already ruled that the School District was negligent when it left the two young children unsupervised for nearly an hour, something School District attorney Howard Trickey said was never disputed.

All that was left for a jury to decide is whether the boy was damaged, to what degree and how much the district should pay.

Details of the assault, which occurred Sept. 14, 2004, in a bathroom stall at an Anchorage elementary school, shocked the community when the lawsuit made them public. According to the complaint, the two boys' first-grade teacher lost track of them during a 45-minute period. The family of the victim asked for at least \$100,000 and changes in district policies and training.

The names of the boys, families, school and teacher involved have not been made public. Police investigated and said they believe a sexual assault happened but did not prosecute because of the offender's age.

In pretrial hearings, the judge ruled the victim's parents were not legally eligible for monetary damages from the district because of the negligence.

"The negligent supervision claims ... are not directed at the parents but ... at the child," the judge said. "(The) parents would have to be a direct victim of the negligence and I don't believe that's the case."

However, because the boy's mother was the one who discovered her son immediately after the assault occurred and suffered what Maloney called "bystander emotional distress," she could receive damages, the judge decided. Rindner was waiting to hear all evidence before deciding whether the father qualified for damages too.

The district offered \$25,000 to the parents and they accepted, both Trickey and Maloney said.

Trickey previously argued the bathroom assault wasn't "foreseeable." The judge said that didn't matter. If the district leaves students unattended, an injury -- no matter how unusual -- is possible, Rindner said.

"And Ms. Comeau acknowledges ... that a student can be even killed if they're not supervised," the judge said.

District officials produced records of 78 additional cases from the past seven years categorized as inappropriate sexual actions by elementary-age kids against classmates.

The majority, Rindner said, appeared to be "student on student play," clearly different and significantly less serious than what was alleged in this case. "But there are at least several of them that aren't that different and I would think that even this type of injury ought to be foreseeable ... if they leave kids unsupervised, given the history that seems to exist."

The district scored a victory when Rindner denied the plaintiffs' request that he order a change in policy governing how kids are monitored throughout the school day. Trickey protested that courts shouldn't and usually don't impose new policies or training or otherwise interfere with the authority of elected bodies.

Rindner agreed: He said it's not his job to make district policy, but he did go on record as favoring change.

"I, quite frankly, hope that the School District will maybe do some different things," Rindner said. "But ... this case can't be about (how) I have to tell the School District what to do. It's about whether or not (the victim) is entitled to damages ... for the negligence that I found has been committed at this point."

The judge on several occasions pushed both sides to settle "to avoid the need for the children to be on the stand."

The family of the accused boy was brought into the lawsuit by the School District, which claimed the parents should be held responsible because they allegedly did not warn school officials of their son's problems.

Maloney said those parents have already settled with the victim's family for "a substantial sum."

In records requested earlier this week by the Daily News, the district reported spending almost \$360,000 on this case at last tally, including \$274,367.50 in attorney's fees to Jermain, Dunnagan & Owens; \$45,368 for expert fees; and \$40,135.74 for costs like copying, messengers, legal online research and court reporters' time.

"This case is on the order of magnitude of four or five times what would be a normal (district) case," Trickey said.