

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 191

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO HARASSMENT, INTIMIDATION AND BULLYING; AMENDING SECTION
2 18-917A, IDAHO CODE, TO PROVIDE APPLICATION TO AN ADDITIONAL GROUP
3 OF INDIVIDUALS, TO REVISE PENALTY PROVISIONS AND TO MAKE A TECHNICAL
4 CORRECTION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDI-
5 TION OF A NEW SECTION 33-1630, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR
6 HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL
7 DEVELOPMENT.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 18-917A, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No stu-
13 dent or minor present on school property or at school activities shall inten-
14 tionally commit, or conspire to commit, an act of harassment, intimidation
15 or bullying against another student.

16 (2) As used in this section, "harassment, intimidation or bullying"
17 means any intentional gesture, or any intentional written, verbal or phys-
18 ical act or threat by a student that:

19 (a) A reasonable person under the circumstances should know will have
20 the effect of:

21 (i) Harming a student; or

22 (ii) Damaging a student's property; or

23 (iii) Placing a student in reasonable fear of harm to his or her
24 person; or

25 (iv) Placing a student in reasonable fear of damage to his or her
26 property; or

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

30 An act of harassment, intimidation or bullying may also be committed
31 through the use of a ~~land line~~ landline, car phone or wireless telephone or
32 through the use of data or computer software that is accessed through a com-
33 puter, computer system, or computer network.

34 (3) A ~~student who personally violates~~ violation of any provision of
35 this section ~~may shall~~ be guilty of an infraction.

36 SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 igned as Section 33-1630, Idaho Code, and to read as follows:

39 33-1630. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING IN-
40 FORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter

1 schools shall undertake all reasonable efforts to ensure that information on
2 harassment, intimidation and bullying of students is disseminated annually
3 to all school personnel, parents and students, including an affirmation
4 that school personnel are authorized and expected to intervene or facilitate
5 intervention on behalf of students facing harassment, intimidation or bul-
6 lying.

7 (2) School districts and charter schools shall provide ongoing profes-
8 sional development to build skills of all school staff members to prevent,
9 identify and respond to harassment, intimidation and bullying. The state
10 board shall promulgate rules regarding the content of the professional de-
11 velopment required by this subsection.

12 (3) District policies shall include a series of graduated consequences
13 including, but not limited to, referral to counseling, diversion, use of
14 juvenile specialty courts, restorative practices, on-site suspension and
15 expulsion for any student who commits an act of bullying, intimidation,
16 harassment, violence or threats of violence. Guidelines for such policies
17 will be set forth in the rules of the state board.

18 (4) Annually school districts shall report bullying incidents to the
19 state department of education in a format set forth in rule by the state
20 board. District policy shall designate persons to whom bullying reports are
21 to be made and a procedure for a teacher or other school employee, student,
22 parent, guardian or other person to report or otherwise provide information
23 on bullying activity.