

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 246

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 OF  
3 INDIVIDUALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 16,  
4 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1630, IDAHO  
5 CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BUL-  
6 LYING INFORMATION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE THAT THE  
7 STATE BOARD OF EDUCATION SHALL PROMULGATE CERTAIN RULES, TO PROVIDE  
8 THAT SCHOOL DISTRICT POLICIES SHALL INCLUDE A SERIES OF GRADUATED CON-  
9 SEQUENCES AND TO PROVIDE REPORTING REQUIREMENTS.  
10

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

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

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

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

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

23 (i) Harming a student; or

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

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

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

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

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

36 (3) A student who personally violates any provision of this section may  
37 be guilty of an infraction.

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

1           33-1630. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING IN-  
2 FORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter  
3 schools shall undertake reasonable efforts to ensure that information on  
4 harassment, intimidation and bullying of students is disseminated annually  
5 to all school personnel, parents and students, including an affirmation  
6 that school personnel are authorized and expected to intervene or facilitate  
7 intervention on behalf of students facing harassment, intimidation or bul-  
8 lying.

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

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

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