

Introduced by

Senators Poolman, Davison

Representatives Dockter, Heinert, Schreiber-Beck

1 A BILL for an Act to amend and reenact sections 15.1-19-17 and 15.1-19-18 of the North
2 Dakota Century Code, relating to cyberbullying of students.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15.1-19-17 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-19-17. Bullying - Definition.**

7 As used in sections 15.1-19-17 through 15.1-19-22:

8 1. "Bullying" means:

9 a. Conduct that occurs in a public school, on school district premises, in a district
10 owned or leased schoolbus or school vehicle, or at any public school or school
11 district sanctioned or sponsored activity or event and which:

12 (1) Is so severe, pervasive, or objectively offensive that it substantially
13 interferes with the student's educational opportunities;

14 (2) Places the student in actual and reasonable fear of harm;

15 (3) Places the student in actual and reasonable fear of damage to property of
16 the student; or

17 (4) Substantially disrupts the orderly operation of the public school; or

18 b. Conduct that is received by a student while the student is in a public school, on
19 school district premises, in a district owned or leased schoolbus or school
20 vehicle, or at any public school or school district sanctioned or sponsored activity
21 or event and which:

22 (1) Is so severe, pervasive, or objectively offensive that it substantially
23 interferes with the student's educational opportunities;

24 (2) Places the student in actual and reasonable fear of harm;

1 (3) Places the student in actual and reasonable fear of damage to property of
2 the student; or

3 (4) Substantially disrupts the orderly operation of the public school; or

4 c. Conduct received or sent by a student through the use of an electronic device
5 while the student is outside a public school, off school district premises, and off
6 school district owned or leased property and which:

7 (1) Is so severe, pervasive, or objectively offensive that it substantially
8 interferes with the student's educational opportunities;

9 (2) Places the student in actual and reasonable fear of harm;

10 (3) Places the student in actual and reasonable fear of damage to property of
11 the student; or

12 (4) Substantially disrupts the orderly operation of the public school.

13 2. "Conduct" includes the use of technology or other electronic media.

14 **SECTION 2. AMENDMENT.** Section 15.1-19-18 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **15.1-19-18. Bullying - Prohibition by policy.**

17 1. ~~Before July 1, 2012, each~~Each school district shall adopt a policy providing that while
18 at a public school, on school district premises, in a district owned or leased schoolbus
19 or school vehicle, or at any public school or school district sanctioned or sponsored
20 activity or event; or outside a public school, off school district premises, and off
21 school district owned or leased property if using an electronic device, a student may
22 not:

23 a. Engage in bullying; or

24 b. Engage in reprisal or retaliation against:

25 (1) A victim of bullying;

26 (2) An individual who witnesses an alleged act of bullying;

27 (3) An individual who reports an alleged act of bullying; or

28 (4) An individual who provides information about an alleged act of bullying.

29 2. The policy required by this section must:

30 a. Include a definition of bullying that at least encompasses the conduct described
31 in section 15.1-19-17;

- 1 b. Establish procedures for reporting and documenting alleged acts of bullying,
2 reprisal, or retaliation, and include procedures for anonymous reporting of such
3 acts;
- 4 c. Establish procedures, including timelines, for school district personnel to follow in
5 investigating reports of alleged bullying, reprisal, or retaliation;
- 6 d. Establish a schedule for the retention of any documents generated while
7 investigating reports of alleged bullying, reprisal, or retaliation;
- 8 e. Set forth the disciplinary measures applicable to an individual who engaged in
9 bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;
- 10 f. Require the notification of law enforcement personnel if an investigation by
11 school district personnel results in a reasonable suspicion that a crime might
12 have occurred;
- 13 g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and
- 14 h. Establish disciplinary measures to be imposed upon an individual who makes a
15 false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.
- 16 3. In developing the bullying policy required by this section, a school district shall involve
17 parents, school district employees, volunteers, students, school district administrators,
18 law enforcement personnel, domestic violence sexual assault organizations as defined
19 by subsection 3 of section 14-07.1-01, and community representatives.
- 20 4. Upon completion of the policy required by this section, a school district shall:
21 a. Ensure that the policy is explained to and discussed with its students;
22 b. File a copy of the policy with the superintendent of public instruction; and
23 c. Make the policy available in student and personnel handbooks.
- 24 5. Each school district shall review and revise its policy as it determines necessary and
25 shall file a copy of the revised policy with the superintendent of public instruction.