

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

596S0098

SENATE BILL NO. 104

Introduced by: Senators Adelstein, Buhl, Lederman, Nygaard, Peters, and Schlekeway and
Representatives Sly, Brunner, Feinstein, Liss, Lucas, Schrempp, and Verchio

1 FOR AN ACT ENTITLED, An Act to require each school district to develop a policy to
2 prohibit bullying that meets certain requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, bullying consists of physical, verbal, written, or
5 electronic conduct directed toward a student that is so severe, pervasive, and objectively
6 offensive that it:

7 (1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive
8 academic environment; or

9 (2) Has the purpose or effect of substantially or unreasonably interfering with a student's
10 academic performance which deprives the student access to educational
11 opportunities.

12 Section 2. The school board of each school district shall, by December 1, 2011, adopt a
13 school district policy prohibiting bullying. If the school district already has such a policy in
14 place, the school board shall review and, if necessary, revise the policy so that it meets the
15 requirements of this Act by the deadline. The school board may involve students, parents,



1 teachers, administrators, other school staff, school volunteers, community representatives, and
2 local law enforcement agencies in the process of developing or revising a policy pursuant to this
3 Act, and the policy shall be implemented in coordination with school district curriculum,
4 disciplinary procedures, and other violence prevention efforts.

5 Section 3. Each school district policy developed pursuant to this Act shall contain the
6 following provisions:

- 7 (1) A statement prohibiting bullying, and a definition of bullying that includes, but is not
8 limited to, the definition listed in section 1 of this Act;
- 9 (2) The consequences for a student or employee of the school district who commits an
10 act of bullying;
- 11 (3) A procedure for reporting an act of bullying, including provisions that permit a
12 person to anonymously report such an act, although formal disciplinary action may
13 not be based solely on an anonymous report; and
- 14 (4) A procedure for the prompt investigation and response to any report of bullying.

15 Section 4. Any school district employee, school volunteer, student, or appropriate school
16 district official as designated in the school district's policy who makes a report in compliance
17 with the provisions of the school district's policy is immune from any cause of action for
18 damages arising from the failure to report the incident or the failure to remedy the reported
19 incident.