

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 ~~(a) Harm; or~~

14 ~~(b) Damage to property of the student; and~~

15 ~~(2) Is so severe, pervasive, or objectively offensive the conduct substantially~~
16 ~~interferes with the student's educational opportunities or substantially~~
17 ~~disrupts the orderly operation of the public school.~~

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

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

21 **15.1-19-18. Bullying - Prohibition by policy.**

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

28 a. Engage in bullying; or

29 b. Engage in reprisal or retaliation against:

30 (1) A victim of bullying;

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

- 1 (3) An individual who reports an alleged act of bullying; or
- 2 (4) An individual who provides information about an alleged act of bullying.
- 3 2. The policy required by this section must:
 - 4 a. Include a definition of bullying that at least encompasses the conduct described
 - 5 in section 15.1-19-17;
 - 6 b. Establish procedures for reporting and documenting alleged acts of bullying,
 - 7 reprisal, or retaliation, and include procedures for anonymous reporting of such
 - 8 acts;
 - 9 c. Establish procedures, including timelines, for school district personnel to follow in
 - 10 investigating reports of alleged bullying, reprisal, or retaliation;
 - 11 d. Establish a schedule for the retention of any documents generated while
 - 12 investigating reports of alleged bullying, reprisal, or retaliation;
 - 13 e. Set forth the disciplinary measures applicable to an individual who engaged in
 - 14 bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;
 - 15 f. Require the notification of law enforcement personnel if an investigation by
 - 16 school district personnel results in a reasonable suspicion that a crime might
 - 17 have occurred;
 - 18 g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and
 - 19 h. Establish disciplinary measures to be imposed upon an individual who makes a
 - 20 false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.
- 21 3. In developing the bullying policy required by this section, a school district shall involve
- 22 parents, school district employees, volunteers, students, school district administrators,
- 23 law enforcement personnel, domestic violence sexual assault organizations as defined
- 24 by subsection 3 of section 14-07.1-01, and community representatives.
- 25 4. Upon completion of the policy required by this section, a school district shall:
 - 26 a. Ensure that the policy is explained to and discussed with its students;
 - 27 b. File a copy of the policy with the superintendent of public instruction; and
 - 28 c. Make the policy available in student and personnel handbooks.
- 29 5. Each school district shall review and revise its policy as it determines necessary and
- 30 shall file a copy of the revised policy with the superintendent of public instruction.