Sixty-sixth Legislative Assembly of North Dakota In Regular Session Commencing Thursday, January 3, 2019

SENATE BILL NO. 2181 (Senators Poolman, Davison) (Representatives Dockter, Heinert, Schreiber-Beck)

AN ACT to amend and reenact sections 15.1-19-17 and 15.1-19-18 of the North Dakota Century Code, relating to cyberbullying of students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

15.1-19-17. Bullying - Definition.

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

- 1. "Bullying" means:
 - a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
 - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - (2) Places the student in actual and reasonable fear of harm;
 - (3) Places the student in actual and reasonable fear of damage to property of the student; or
 - (4) Substantially disrupts the orderly operation of the public school; or
 - b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
 - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - (2) Places the student in actual and reasonable fear of harm:
 - (3) Places the student in actual and reasonable fear of damage to property of the student; or
 - (4) Substantially disrupts the orderly operation of the public school: or
 - c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property and which:
 - (1) Places the student in actual and reasonable fear of:
 - (a) Harm; or
 - (b) Damage to property of the student; and

- (2) <u>Is so severe, pervasive, or objectively offensive the conduct substantially interferes</u> with the student's educational opportunities or substantially disrupts the orderly operation of the public school.
- 2. "Conduct" includes the use of technology or other electronic media.

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

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

- 1. Before July 1, 2012, each Each school district shall adopt a policy providing that while at a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event, a student may not:
 - a. Engage in bullying; or
 - b. Engage in reprisal or retaliation against:
 - (1) A victim of bullying;
 - (2) An individual who witnesses an alleged act of bullying;
 - (3) An individual who reports an alleged act of bullying; or
 - (4) An individual who provides information about an alleged act of bullying.
- 2. The policy required by this section must:
 - a. Include a definition of bullying that at least encompasses the conduct described in section 15.1-19-17;
 - b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation, and include procedures for anonymous reporting of such acts;
 - c. Establish procedures, including timelines, for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation;
 - d. Establish a schedule for the retention of any documents generated while investigating reports of alleged bullying, reprisal, or retaliation;
 - e. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1;
 - f. Require the notification of law enforcement personnel if an investigation by school district personnel results inhave a reasonable suspicion that a crime might have occurred on or off school district property;
 - g. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and
 - h. Establish disciplinary measures to be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.
- 3. In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives.
- 4. Upon completion of the policy required by this section, a school district shall:

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- a. Ensure that the policy is explained to and discussed with its students;
- b. File a copy of the policy with the superintendent of public instruction; and
- c. Make the policy available in student and personnel handbooks.
- 5. Each school district shall review and revise its policy as it determines necessary and shall file a copy of the revised policy with the superintendent of public instruction.

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	Preside	President of the Senate			Speaker of the House	
	Secreta	ary of the Senate		Chief Clerk of the House		
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Senate Vote:	Yeas 46	Nays 1	Absent 0			
House Vote:	Yeas 83	Nays 7	Absent 4			
				Secretary of the S	enate	
Received by the Governor atM. on					, 2019.	
Approved atM. on					, 2019.	
				Governor		
Filed in this office thisday of					, 2019,	
at o	'clock	_M.				
				Secretary of State		