

IN THE SENATE

SENATE BILL NO. 1105, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO HARASSMENT, INTIMIDATION OR BULLYING OF A STUDENT; AMENDING SEC-
2 TION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION OF THE SECTION TO AN
3 ADDITIONAL INDIVIDUAL, TO REVISE WHAT ACTION SHALL BE A MISDEMEANOR AND
4 TO REPLACE DISCRETIONARY LANGUAGE WITH MANDATORY LANGUAGE; AND AMEND-
5 ING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
6 33-1626, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT, INTIMIDA-
7 TION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE
8 WHAT SHALL BE INCLUDED IN DISTRICT POLICIES AND TO PROVIDE FOR CERTAIN
9 ANNUAL REPORTS.
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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, car phone or wireless telephone or through
34 the use of data or computer software that is accessed through a computer,
35 computer system, or computer network.

36 (3) A ~~student who personally violates~~ violation of any provision of
37 this section ~~may shall~~ 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 33-1626, Idaho Code, and to read as follows:

1 33-1626. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING IN-
2 FORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter
3 schools shall undertake all 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 including, but not limited to, diversion, use of juvenile specialty courts,
16 restorative practices, suspension and expulsion for any student who commits
17 an act of bullying, intimidation, harassment, violence or threats of vio-
18 lence. Guidelines for such policies will be set forth in the rules of the
19 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.