LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 246

BY EDUCATION COMMITTEE

AN ACT
RELATING TO HARASSMENT, INTIMIDATION AND BULLYING; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION TO AN ADDITIONAL GROUP OF INDIVIDUALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1630, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL PROMULGATE CERTAIN RULES, TO PROVIDE THAT SCHOOL DISTRICT POLICIES SHALL INCLUDE A SERIES OF GRADUATED CONSEQUENCES AND TO PROVIDE REPORTING REQUIREMENTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-917A, Idaho Code, be, and the same is hereby amended to read as follows:

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student or minor present on school property or at school activities shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or
(ii) Damaging a student’s property; or
(iii) Placing a student in reasonable fear of harm to his or her person; or
(iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a landline, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1630, Idaho Code, and to read as follows:
33-1630. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING IN-
FORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter
schools shall undertake reasonable efforts to ensure that information on
harassment, intimidation and bullying of students is disseminated annually
to all school personnel, parents and students, including an affirmation
that school personnel are authorized and expected to intervene or facilitate
intervention on behalf of students facing harassment, intimidation or bul-
lying.

(2) School districts and charter schools shall provide ongoing profes-
sional development to build skills of all school staff members to prevent,
identify and respond to harassment, intimidation and bullying. The state
board shall promulgate rules regarding the content of the professional de-
velopment required by this subsection.

(3) District policies shall include a series of graduated consequences
that may include, but are not limited to, referral to counseling, diversion,
use of juvenile specialty courts, restorative practices, on-site suspension
and expulsion for any student who commits an act of bullying, intimidation,
harassment, violence or threats of violence. Guidelines for such policies
will be set forth in the rules of the state board.

(4) Annually school districts shall report bullying incidents to the
state department of education in a format set forth in rule by the state
board. District policy shall designate persons to whom bullying reports are
to be made and a procedure for a teacher or other school employee, student,
parent, guardian or other person to report or otherwise provide information
on bullying activity.