

Anti-Bullying Statutes of Neighboring States

MONTANA

10.55.719 STUDENT PROTECTION PROCEDURES

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

(a) causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;

(b) substantially and materially interferes with access to an educational opportunity or benefit; or

(c) substantially and materially disrupts the orderly operation of the school.

(2) Behavior prohibited under (1) includes retaliation against a victim or witness who reports behavior prohibited under (1).

(3) "Persistent" as used in this rule can consist of repeated acts against a single student or isolated acts directed against a number of different students.

(4) The behavior prohibited in (1) includes but is not limited to conduct:

(a) in a classroom or other location on school premises;

(b) during any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or

(c) through the use of electronic communication, as defined in 45-8-213, MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

(a) a prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;

(b) a procedure for reporting and documenting reported acts of behavior prohibited under (1);

(c) a procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;

(d) a procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;

(e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;

(f) a procedure to protect any alleged victim of behavior prohibited under (1)(a) from further incidents of such behavior;

(g) a disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1); and

(h) a procedure for the use of appropriate intervention and remediation for victims and perpetrators.

NEVADA

NRS 388.133 Policy by Department concerning safe and respectful learning environment.

1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(4) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

(Added to NRS by 2005, 704; A 2009, 687; 2013, 1656, 2138)

NRS 388.134 Policy by school districts for provision of safe and respectful learning environment and policy for ethical, safe and secure use of computers; provision of training to board of trustees and school personnel; posting of policies on Internet website; annual review and update of policies.

The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment, as applicable.

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

(Added to NRS by 2005, 705; A 2009, 688; 2011, 2245; 2013, 2138)

NRS 388.1341 Development of informational pamphlet by Department; annual review and update; posting on Internet website; development of tutorial.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in the public schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.145, inclusive;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

(Added to NRS by 2011, 2241; A 2013, 1656)

NRS 388.1342 Establishment of programs of training by Department; completion of program by members of State Board of Education and boards of trustees; completion of program by administrators in prevention of violence and suicide; annual review and update.

1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.

(b) Establish a program of training on methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the boards of trustees of school districts.

(c) Establish a program of training for school district and charter school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.145, inclusive.

(d) Establish a program of training for administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a board of trustees of a school district shall, within 1 year after the member is elected or appointed to the board of trustees, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each administrator of a public school shall complete the program of training established pursuant to paragraph (d) of subsection 1:

- (a) Within 90 days after becoming an administrator;
- (b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and
- (c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The board of trustees of a school district may allow school district personnel to attend the program established pursuant to paragraph (c) or (d) of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

(Added to NRS by 2011, 2242; A 2013, 1657, 2139)

School Safety Team

NRS 388.1343 Establishment by principal of each school; duties of principal. The principal of each public school or his or her designee shall:

- 1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;
- 2. Conduct investigations of violations of NRS 388.135 occurring at the school; and
- 3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

(Added to NRS by 2011, 2243; A 2013, 1658)

NRS 388.1344 Membership; chair; duties.

1. Each school safety team established pursuant to NRS 388.1343 must consist of the principal or his or her designee and the following persons appointed by the principal:

- (a) A school counselor;
 - (b) At least one teacher who teaches at the school;
 - (c) At least one parent or legal guardian of a pupil enrolled in the school; and
 - (d) Any other persons appointed by the principal.
2. The principal or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

- (a) Meet at least two times each year;
- (b) Identify and address patterns of bullying or cyber-bullying;
- (c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;
- (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and
- (e) To the extent money is available, participate in any training conducted by the school district regarding bullying and cyber-bullying.

(Added to NRS by 2011, 2243; A 2013, 1658)

Prohibition of Bullying and Cyber-Bullying; Reporting and Investigation of Violations

NRS 388.135 Bullying and cyber-bullying prohibited. A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any public school, at an activity sponsored by a public school or on any school bus.

(Added to NRS by 2001, 1929; A 2009, 688; 2013, 1658)

NRS 388.1351 Staff member required to report violation to principal; written notice of reported violation to parent of each pupil involved; time period for initiation and completion of investigation; authorization for parent to appeal disciplinary decision.

1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

(Added to NRS by 2011, 2244; A 2013, 2140)

NRS 388.1352 Establishment of policy by school districts for employees to report violations to law enforcement. The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

(Added to NRS by 2011, 2244)

OREGON

339.356 District policy required. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts must include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

(b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" that are consistent with ORS 339.351.

(c) Definitions of "protected class" that are consistent with ORS 174.100 and 339.351.

(d) A statement of the scope of the policy, including a notice that the policy applies to behavior at school-sponsored activities, on school-provided transportation and at any official school bus stop.

(e) A description of the type of behavior expected from each student.

(f) A procedure that is uniform throughout the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall:

(A) Identify by job title the school officials responsible for receiving such a report at a school.

(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.

(C) Identify any remedial action that may be imposed on a school employee for failure to make a report as required by subparagraph (B) of this paragraph.

(D) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on the basis of an anonymous report.

(g) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report.

(h) A procedure by which a person may request a school district to review the actions of a school in responding to a report of an act of harassment, intimidation or bullying or an act of cyberbullying or investigating such a report.

(i) A statement of the manner in which a school and a school district will respond after an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and confirmed.

(j) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

(k) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation.

(L) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying.

(m) A statement of how the policy is to be publicized within the district. At a minimum, a school district shall make the policy:

(A) Annually available to parents, guardians, school employees and students in a student or employee handbook; and

(B) Readily available to parents, guardians, school employees, volunteers, students, administrators and community representatives at each school office or at the school district office and, if available, on the website for a school or the school district.

(n) The identification by job title of school officials and school district officials responsible for ensuring that the policy is implemented.

(3) A school district that does not comply with the requirements of this section is considered nonstandard under ORS 327.103. [2001 c.617 §3; 2007 c.647 §3; 2009 c.249 §2; 2012 c.57 §1]

339.359 Training programs; prevention task forces, programs and other initiatives. (1) School districts must incorporate into existing training programs for students and school employees information related to:

(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying; and

(b) The policy adopted under ORS 339.356.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives. [2001 c.617 §6; 2007 c.647 §4; 2009 c.249 §3; 2012 c.57 §2]

SOUTH DAKOTA

13-32-16. Bullying policy requirements. Each school district policy developed pursuant to §§ 13-32-14 to 13-32-19, inclusive, shall contain the following provisions:

- (1) A statement prohibiting bullying and a definition of bullying that includes the definition listed in § 13-32-15;
- (2) A description of the type of behavior expected from each student of the school district, and the consequences for a student of the school district who commits an act of bullying;
- (3) A procedure for reporting an act of bullying, including provisions that permit a person to anonymously report such an act, although formal disciplinary action may not be based solely on an anonymous report; and
- (4) A procedure for the prompt investigation and response to any report of bullying, including a requirement that an investigation be conducted on any alleged incident of bullying committed against a child while the child is aboard a school bus, at a school bus stop, or at a school-sponsored event.

13-32-19. Model bullying policy. The model bullying policy pursuant to §§ 13-32-14 to 13-32-18, inclusive, is as follows:

PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING

The School District is committed to maintaining a constructive, safe school climate that is conducive to student learning and fostering an environment in which all students are treated with respect and dignity.

Persistent bullying can severely inhibit a student's ability to learn and may have lasting negative effects on a student's life. The bullying of students by students, staff, or third parties is strictly prohibited and will not be tolerated.

Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive that it:

- (1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive academic environment; or
- (2) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance which deprives the student access to educational opportunities.

Any staff member observing or suspecting bullying toward another individual is required to report the issue to his or her building supervisor.

This policy is in effect while students are on property within the jurisdiction of the School Board; while students are in school-owned or school-operated vehicles; and while students are attending or engaged in school-sponsored activities.

The District will act to investigate all complaints (formal or informal, verbal or written) of bullying. A formal complaint may be submitted to the building principal. Any student engaging in an act of bullying

is subject to discipline pursuant to the District's student discipline procedure.

This policy may not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

UTAH

R277-609-3. LEA Responsibility to Develop Plans.

A. Each LEA or school shall develop and implement a board approved comprehensive LEA plan or policy for student and classroom management, and school discipline. The plan shall include:

- (1) the definitions of Section 53A-11-910;
- (2) written standards for student behavior expectations, including school and classroom management;
- (3) effective instructional practices for teaching student expectations, including self-discipline, citizenship, civic skills, and social skills;
- (4) systematic methods for reinforcement of expected behaviors and uniform methods for correction of student behavior;
- (5) uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness;
- (6) an ongoing staff development program related to development of student behavior expectations, effective instructional practices for teaching and reinforcing behavior expectations, effective intervention strategies, and effective strategies for evaluation of the efficiency and effectiveness of interventions;
- (7) policies and procedures relating to the use and abuse of alcohol and controlled substances by students; and
- (8) policies and procedures related to bullying, cyber-bullying, harassment, hazing, and retaliation consistent with requirements of R277-613.

B. The plan shall also provide direction for dealing with bullying and disruptive students. This part of the plan shall:

- (1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;
- (2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive and bullying student behavior;
- (3) designate to whom notices shall be provided;
- (4) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;
- (5) include strategies to provide for necessary adult supervision;
- (6) require that policies be clearly written and consistently enforced; and

(7) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and

(8) provide notice to employees that violation of this rule may result in employee discipline or action.

C. Plans required under R277-609-3 shall include gang prevention and intervention policies.

(1) The required plans shall account for an individual LEA's or school's unique needs or circumstances.

(2) The required plans may include the provisions of Section 53A-15-603(2).

(3) The required plans may provide for publication of notice to parents and school employees of policies by reasonable means.

R277-609-4. Implementation.

A. LEAs shall implement strategies and policies consistent with their plans.

B. LEAs shall develop, use and monitor a continuum of intervention strategies to assist students whose behavior in school falls repeatedly short of reasonable expectations, including teaching student behavior expectations, reinforcing student behavior expectations, re-teaching behavior expectations, followed by effective, evidence-based interventions matched to student needs prior to administrative referral.

C. As part of any suspension or expulsion process that results in court involvement, once an LEA receives information from the courts that disruptive student behavior will result in court action, the LEA shall provide a formal written assessment of habitually disruptive students. Assessment information shall be used to connect parents and students with supportive school and community resources.

D. Nothing in state law or this rule restricts LEAs from implementing policies to allow for suspension of students of any age consistent with due process and with all requirements of Individuals with Disabilities Education Act 2004.

R277-609-5. Parent/Guardian Notification and Court Referral.

A. Through school administrative and juvenile court referral consequences, LEA policies shall provide procedures for qualifying minors and their parents to participate in decisions regarding consequences for disruptive student behavior.

B. Policies shall provide for notice to parents and information about resources available to assist parents in resolving school-age minors' disruptive behavior.

C. Policies shall provide for notices of disruptive behavior to be issued by schools to qualifying minor(s) and parent(s) consistent with:

(1) numbers of disruptions and timelines in accordance with Section 53A-11-910;

(2) school resources available; and

(3) cooperation from the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports and other available student school data.

R277-613-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and the responsibility of the Board to provide assistance with and ensure LEA compliance with Section 53A-11a-301.

B. The purpose of the rule is to require LEAs to implement bullying, cyber-bullying, hazing and harassment policies district and school wide; to provide for regular and meaningful training of school employees and students; to provide for enforcement of the policies in schools, at the state level and in public school athletic programs; to require LEAs to notify parents of specific bullying, cyber-bullying, hazing, harassment and suicide threat incidents; and to require LEAs to maintain documentation as required by law.

R277-613-3. Utah State Board of Education Responsibilities.

A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of LEAs on bullying, cyber-bullying, hazing and harassment.

B. The Board may interrupt disbursements of funds consistent with Section 53A-1-401(3) for failure of an LEA to comply with this rule.

R277-613-4. LEA Responsibility to Create Bullying Policies.

A. Each LEA shall implement an updated policy prohibiting bullying, cyber-bullying, hazing, harassment and retaliation, and making a false report, consistent with Section 53A-11a-301.

B. Each LEA shall:

(1) post a copy of its policy on the LEA website; and

(2) provide a copy of the LEA policy or uniform resource locator (URL) to the State Superintendent of Public Instruction at the Utah State Office of Education.

C. The policy shall include parental notification of:

(1) a parent's student's threat to commit suicide; and

(2) an incident of bullying, cyber-bullying, hazing, harassment or retaliation involving the parent's student.

(3) This part of the policy shall also include:

(a) timely parent notification;

(b) designation of the appropriate school employee(s) to provide parent notification;

(c) designation of the format in which notification shall be provided to parents and maintained by the LEA;

(d) directives for secure maintenance of the notification record as required under Section 53A-11a-203(1);

(e) a retention period and destruction process for the notification; and

(f) an LEA definition of parent(s) consistent with Section 53A-11-203 and this rule.

D. The policy shall provide for student assessment of the prevalence of bullying, cyber-bullying, hazing and harassment in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

E. The policy shall include required strong responsive action against retaliation, including assistance to harassed students and their parents in reporting subsequent problems and new incidents.

F. The policy shall provide that students, staff, and volunteers receive training on bullying, cyber-bullying, hazing and harassment from individuals qualified to provide such training. The LEA shall determine how often training shall be provided.

(1) The training should be specific to:

(a) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

(b) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

(c) sexual aggression or acts of a sexual nature or with sexual overtones;

(d) cyber-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and

(e) civil rights violations, appropriate reporting and investigative procedures. This includes bullying, cyber-bullying, hazing and harassment based upon the students' actual or perceived identities and conformance or failure to conform with stereotypes.

(2) Training should also include awareness and intervention skills such as social skills training for students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches.

(3) Training on bullying, cyber-bullying, hazing and harassment required of LEA policies under the rule should complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Section 53A-1-603(9).

G. Policies shall also complement existing safe and drug free school policies and school discipline plans. Consistent with R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, harassment and disruptive students. This part of the plan shall:

- (1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;
- (2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student and bullying, cyber-bullying, hazing and harassment behavior;
- (3) designate to whom notices shall be provided;
- (4) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;
- (5) include strategies to provide for necessary adult supervision;
- (6) be clearly written and consistently enforced;
- (7) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and
- (8) provide notice to employees that violation(s) of this rule may result in employment discipline or action.

Testimony on HB246 – Bullying Legislation

Mr. Chairman, members of the Committee, as you know I'm Jess Harrison, Policy & Government Affairs Director for the Idaho School Boards Association (ISBA). ISBA represents over 560 locally elected school board trustees and charter school board members throughout the State.

Thank you for the opportunity to testify in support of HB246 concerning bullying, harassment, and intimidation.

There have been many versions of this legislation over the past several years and we strongly believe this is the best version that we have seen. This legislation ties the activities with the school setting, something missing from previous bills as well as providing flexibility at the local level for dealing with this complex issue.

For these reasons, ISBA asks that you send HB246 to the floor with a do pass recommendation. With that, Mr. Chairman, I am glad to stand for any questions.

Gabriel Giffin, 18

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Esteemed Chair, members of committee, Good afternoon.

I am here to testify and ask for your yes vote on House Bill 246.

We as a state have stood by the wayside far too long, and have watched as far too many lives have ended in the course of bullying

You in the Senate have the power to change that.

We as a nation have withstood the test of all nations seeking to be free.

It was a mere 235 years ago that this nation signed the most comprehensive anti bullying act. We as a nation declared that each of it's citizens must hold true to the value of defending those who were the least able to defend themselves. We as a nation affirmed the value that we dare not hold the life of one in less esteem than the life of another.

We stand here in committee bearing true faith and allegiance in the same.

In the past weeks of testimony we have seen the sheer damage caused at the hands of bullying, and two committees have agreed it must stop.

In as much as there are those who would contend that bullying is a trivial matter that is best dispensed at the local level we have had to stand and defend far too many who have been bullied in the localities

Far too many of us have born witness to the repercussion of bullying, as we have seen the bullying only ended long enough for the families of the victims to bury their dead.

Two committees before you have agreed that we as a state must move forward to reign the state of Idaho within the bonds of reason. The provisions of HB246 serve to consecrate that commitment.

The state of Idaho cannot afford to allow this bill to stand idle in the senate, for idle standing breeds stagnation, and stagnation breeds decay.

The historical vote of this bill show that two committees before you concur.

A vote of Aye on this bill is a consecration of the most basic principles outlined in the last anti bullying bill signed 235 years ago. A vote of Aye on HB246 is a confirmation of your diligence in bearing true faith and allegiance to the same.

We as a state owe it to our least defensible to consecrate ourselves to the principle that the most precious resource inherent to this state is the lives of its residents.

To avow the affirmation that it is necessary to legislate protections at the state level is to stand true to the defense of a nation. We as a state must continually stay the course in the defense of the dignity, and lives of every resident of Idaho.

HB246 saves lives.

Vote YES! for HB 246.

SUPPORT HB 246
Strengthening Idaho's anti-bullying statute

Testimony from Kathy Griesmyer, Public Policy Strategist
Senate Education Committee

The ACLU of Idaho stands before you today in support of HB 246 as it strengthens Idaho's anti-bullying statute – a much needed update in Idaho's schools to protect a student's right to be safe and free from harassment while in the classroom.

According to several national studies, youth struggling with issues of sexual orientation or gender identity are between three and four times as likely to attempt suicide as their heterosexual peers. Suicide is the second leading cause of death for Idahoans age 15-34 and in 2012 (the most recent reporting year available) Idaho had the 8th highest suicide rate, 44% higher than the national average. With a suicide rate among the highest in the country, Idaho has a clear need to protect those students who are most vulnerable in our state's education system. If bullying and harassment are not prevented, the schools will be unable to meet their obligation of providing every child with equal access to educational opportunities.

The United States Constitution imposes an obligation on schools to treat students equally, regardless of their sexual orientation or gender identity, the color of their skin, disability, national origin, or religious preference. And that equal treatment applies to the protection of these students to be free from harassment both in the classroom and during school activities. If schools fail to act and intervene in cases of bullying, they could be held legally liable if a student's constitutional right to equal protection was violated.

HB 246 is the solution that so many Idaho students, families, and educators have been asking for. This legislation would update Idaho's harassment, intimidation and bullying law by improving reporting, providing for ongoing professional development training for school staff, and puts in place graduated consequences for students found to have committed an offense.

Not only does this bill ensure that teachers and administrators are adequately equipped to identify, intervene, and stop cases of bullying and harassment in schools, it also strikes the appropriate balance between the right to safety, privacy, and free speech. By only allowing school officials to monitor and intervene in cases of bullying that occur on school grounds and during school activity, this legislation ensures the protection of student privacy outside of the school environment. HB 246 also does not advocate a zero-tolerance policy for bullying. Instead this legislation, through the use of graduated consequences, aims to address the underlying cause of bullying through counseling, diversion, and restorative justice principles.

Through training, reporting, and school intervention, HB 246 gives teachers and administrators the tools they need to successfully counter the pervasive nature of bullying and harassment in Idaho schools. And students can rest assured that despite of who they are, there are protections in place to ensure that they can go to school free from fear. For these reasons, we ask that you support HB 246 and send it forward with a do pass recommendation. I stand for any questions.



**10483 W. Shadow Rock Street
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March 26, 2015**

AAUW–Idaho Urges Education Committee to Vote “Yes” on H246

Chairman Mortimer & Committee Members:

My name is Sylvia Chariton and I represent the American Association of University Women (AAUW) in Idaho. On behalf of AAUW-Idaho, I urge you to vote in favor of H246. School personnel need more training to protect vulnerable students and to protect themselves as well as school districts from preventable law suits.

Since Line 2 of H 246 specifically states “relating to harassment, intimidation and bullying” this testimony will focus specifically on the differences between harassment and bullying; and the implications of these differences.

Several years ago, AAUW released a major research study entitled *Crossing the Line: Sexual Harassment at Schools*. Since sexual harassment is frequently misclassified by schools and the media as bullying, AAUW would like to discuss this distinction.

In the most basic terms, sexual harassment is defined as unwanted behavior that is sexual in nature. This can include making lewd comments, showing or sending someone sexually explicit photos, spreading sexual rumors, etc.; and it is usually more directed toward females.



Bullying involves a power dynamic in which perpetrators intend to harm their victim. Intent is a required component for a behavior to be classified as bullying. For sexual harassment, the person does not have to intend to harm someone else, the behavior is defined by the effect it has on the harassed person.

If both of these actions fall into categories that no one should have to tolerate, then why not brand them both as abusive and simply tell kids to be nice to each other?

Sexual harassment revolves around sex and gender and affects girls and boys differently. It also has a disproportionate negative impact on students who are not heterosexual. Harassers and bullies often differ in motivations, and parents and educators need to understand these differences to create effective prevention and response programs. H246 would help with this.

When we talk to young people about sexual harassment and not just bullying, we start a larger conversation about bodily rights, personal safety, and gender identity. In other words, we begin to teach students about consent, tolerance, and gender equity. And frankly, that's the type of education that all young folks deserve and what this law should help accomplish.

Additionally, sexual harassment and bullying are recognized as different issues under the law. Most states have some anti-bullying laws, but there is no federal law. Sexual harassment, on the other hand, is illegal under federal law — specifically Title IX and when it is brought to a school district's attention and they don't respond, schools can lose public funds and are susceptible to lawsuits.



Please be proactive and amend the existing law to provide training for school personnel, so that they can intervene where they see incidents of bullying; and ensure that all parties recognize bullying, harassment and intimidation where it occurs.

Hello, my name is Teresa Hessler and I am the mother of three girls that are currently in 5th, 6th and 7th grades.

While my younger two girls have managed for the most part to escape the bullies my 7th grader has suffered greatly. When she began elementary school everything was great. She is very smart and funny and at that age she was making friends and getting invited to birthday parties. It was in 3rd grade that things took a turn for the worse. By now she had been diagnosed w/what is known as an "invisible" diagnosis. Simply put meant that she had struggles that were in some cases more subtle. She struggled in the classroom academically and she struggled in the classroom emotionally.

At a parent teacher conference w/her 3rd grade teacher I was told by her teacher that she had told other students in the class that they didn't have to play with D because they said she was mean. I was stunned! Here was a well-liked teacher w/a class of 20 some students telling those kiddos that it was okay to stay away from my daughter. On the outside D put on a brave face and tried her hardest to fit in. How did that make D. feel on the inside? She felt even more awkward and left out. Having children shun her didn't help her w/her one bit. It perpetuated the problem. I felt it was discrimination and the teacher felt justified.

In 4th grade, school only became more difficult. However, I was told by many teachers and the school counselor that she was a beautiful girl w/a lot of friends ...a typical student. The teachers ignored the comments that were made by the girls on the playground and explained it was normal girl stuff. D. turned most of her pain inward. What she did show outwardly was what I like to call her "prickly" mood. It was simply a defense mechanism. The birthday party invitations stopped coming and she really didn't have any friends. There was a couple of girls that acted as if they were her friend. The mean girls. They would hang out w/her on some days and then the next day tell others not to hang out w/her. She wasn't sure who to trust. It's difficult to maintain friendships if you don't know who is genuine. I brought my concerns to teachers and the administration multiple times. What started out as maybe a nasty glare had turned in to more isolation and mocking.

In 5th grade it became more serious. I was actually at the school at the noon hour when a child that I knew approached me on the playground to ask if I had heard what the mean girls had said to D. I hadn't yet. The little girl relayed to me that she heard that one of D.'s so called friends was going to bring a knife to school and slit her throat. I was horrified. My other daughter confirmed it and told me that it was being talked about all over the playground. D was upset and confused. I of course immediately reported it to the office and I was told that they would look into it. That's where it stood. I took it upon myself to contact the SRO from a nearby middle school that would on occasion help at the elementary school. I had a meeting w/the officer and the principal. Long story short, the principal repeated several times that the incident never happened. Didn't happen? Yet all the kids were talking about it. This was bullying at it's finest , a physical threat against my child.

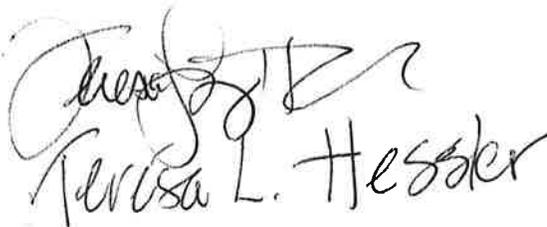
Of course the school's relatively lax attitude allowed the bullying to continue. D. was followed around on the playground and made fun of. She was an easy target. The mean girls knew they could get away w/it.

I decided I would become more educated about bullying. (Maybe I was blowing all of this out of proportion?) I attended a workshop at my girls' school about bullying. I left there feeling even more discouraged. According to the presenters (the school counselor and the principal) what most parents perceived as bullying was actually "peer conflict." They did go on to say that actual bullying would by definition involve an imbalance of power. So, my child diagnosed w/a disability who is already at a disadvantage because of her difficulties w/social interactions, that was getting picked on relentlessly and didn't know how to "defend" herself was just as powerful as her classmates? I think not! She felt powerless. For years she had talked to the school and I had talked to the school.

She is now in middle school and bears the scars of years of being made fun of and mocked. Things are a little different now because after fighting for several years at the elementary school she now has an IEP/a Behavior Plan and a Safety Plan. Last Wednesday, March 18, I was at a facilitated IEP meeting to discuss the most recent Functional Behavior Assessment done by the school psychologist. The FBA allows the school to see how D's behaviors (now learned behaviors) are affecting her at school. Not surprising the school psychologist came to the meeting to explain how peer issues are at the top of the list of concerns. I wasn't surprised. At a recent meeting also in March I expressed to the staff how another student had repeatedly called D names during class w/out of hearing range of the teacher. D. took her concern to the teacher and it was he said/she said and dismissed. Once again she felt not heard. Her years of being let down by school administrators, her teachers and her so called friends have really left a mark. I often wonder how better equipped she would be and how much happier she would be if the teachers had been able to do more. If the teachers were able to see it for what it was? Not a peer conflict. She was bullied. What if the teachers had put an end to the bullying years ago.

I've talked a lot about the school. I think it's important to say that as a parent I have had D. in counseling, at occupational therapy, tested by several neuropsychologists in the area and in September 2015 her invisible diagnosis had a name. She was on the autism spectrum. I had tried to do everything I could do to help her cope, help her w/her poor self-esteem, help her w/her depression.

There isn't an IEP, or a Behavior Plan, a Safety Plan or a diagnosis out there that lessens the long-lasting effects of being a victim of bullying.


Terisa L. Hessler

Top 10 facts parents, educators and students need to know

1. The facts -- Students with disabilities are much more likely to be bullied than their nondisabled peers.

Bullying of children with disabilities is significant but there is very little research to document it.

Only 10 U.S. studies have been conducted on the connection between bullying and developmental disabilities but all of these studies found that **children with disabilities were two to three times more likely** to be bullied than their nondisabled peers. One study shows that 60 percent of students with disabilities report being bullied regularly compared with 25 percent of all students.

2. Bullying affects a student's ability to learn.

Many students with disabilities are already addressing challenges in the academic environment. When they are bullied, it can directly impact their education.

Bullying is not a harmless rite of childhood that everyone experiences. Research shows that bullying can negatively impact a child's access to education and lead to:

- School avoidance and higher rates of absenteeism
- Decrease in grades
- Inability to concentrate
- Loss of interest in academic achievement
- Increase in dropout rates

For more information read PACER's "[Common Views About Bullying](#)"

3. The definition -- **Bullying based on a student's disability may be considered harassment.**

The Office for Civil Rights (OCR) and the Department of Justice (DOJ) have stated that bullying may also be **considered harassment** when it is based on a student's race, color, national origin, sex, **disability**, or religion.

Harassing behaviors may include:

- Unwelcome conduct such as verbal abuse, name-calling, epithets, or slurs
- Graphic or written statements
- Threats
- Physical assault
- Other conduct that may be physically threatening, harmful, or humiliating

4. The Federal Laws -- Disability harassment is a civil rights issue.

Parents have legal rights when their child with a disability is the target of bullying or disability harassment. Section 504 of the Rehabilitation Act of 1973 (often referred to as 'Section 504') and Title II

of the Americans with Disabilities Act of 1990 (Title II) are the federal laws that apply if the harassment denies a student with a disability an equal opportunity to education. The Office for Civil Rights (OCR) enforces Section 504 and Title II of the ADA. Students with a 504 plan or an Individualized Education Program (IEP) would qualify for these protections.

According to a [2000 Dear Colleague](#) letter from the Office for Civil Rights, "States and school districts also have a responsibility under Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA), which is enforced by OSERS [the Office for Special Education and Rehabilitative Services], to ensure that a free appropriate public education (FAPE) is made available to eligible students with disabilities. Disability harassment may result in a denial of FAPE under these statutes."

The letter further outlines how bullying in the form of disability harassment may prevent a student with an IEP from receiving an appropriate education: "The IDEA was enacted to ensure that recipients of IDEA funds make available to students with disabilities the appropriate special education and related services that enable them to access and benefit from public education. The specific services to be provided a student with a disability are set forth in the student's individualized education program (IEP), which is developed by a team that includes the student's parents, teachers and, where appropriate, the student. Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of FAPE."

NEW! On August 20, 2013, ED's Office of Special Education and Rehabilitative Services (OSERS) issued guidance to educators and stakeholders on the matter of bullying of students with disabilities. This guidance provides an overview of school districts' responsibilities to ensure that students with disabilities who are subject to bullying continue to receive free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA). Under IDEA, States and school districts are obligated to ensure that students with disabilities receive FAPE in the least restrictive environment (LRE). This guidance explains that any bullying of a student with disabilities which results in the student not receiving meaningful educational benefit is considered a denial of FAPE. Furthermore, this letter notes that certain changes to an educational program of a student with a disability (e.g., placement in a more restricted "protected" setting to avoid bullying behavior) may constitute a denial of FAPE in the LRE. [Learn more](#)

5. The State Laws – Students with disabilities have legal rights when they are a target of bullying.

Most states have laws that address bullying. Some have information specific to students with disabilities. For a complete overview of state laws, visit StopBullying.gov.

Many school districts also have individual policies that address how to respond to bullying situations. Contact your local district to request a written copy of the district policy on bullying.

6. The adult response is important

Parents, educators, and other adults are the most important advocates that a student with disabilities can have. It is important that adults know the best way to talk with someone in a bullying situation.

Some children are able to talk with an adult about personal matters and may be willing to discuss bullying. Others may be reluctant to speak about the situation. There could be a number of reasons for this. The student bullying them may have told them not to tell or they might fear that if they do tell someone, the bullying won't stop or may become worse.

When preparing to talk to children about bullying, adults (parents and educators) should consider how they will handle the child's questions and emotions and what their own responses will be. Adults should be prepared to listen without judgment, providing the child with a safe place to work out their feelings and determine their next steps.

It is never the responsibility of the child to fix a bullying situation. If children could do that, they wouldn't be seeking the help of an adult in the first place.

For more information, read PACER's ["Talking With Your Child About Bullying"](#)

7. The resources – Students with disabilities have resources that are specifically designed for their situation.

IEP

Students with disabilities, who are eligible for special education under the Individuals with Disabilities Education Act (IDEA), will have an Individualized Education Program (IEP).

The IEP can be a helpful tool in a bullying prevention plan. Remember, every child receiving special education is entitled to a free, appropriate public education (FAPE), and bullying can become an obstacle to that education.

For more information, read PACER's ["Individualized Education Program \(IEP\) and Bullying"](#)

Dear Colleague Letter

In 2000, a 'Dear Colleague' letter was sent to school districts nationwide from the U.S. Department of Education's Office for Civil Rights (OCR) and Office of Special Education and Rehabilitative Services (OSERS) that defined the term "disability harassment."

In 2010, another Dear Colleague letter from the Office for Civil Rights was issued that reminded school districts of their responsibilities under civil rights laws that prohibit discrimination and harassment on the basis of race, color, national origin, sex, disability, and religion.

Template Letters

Parents should contact school staff each time their child informs them that he or she has been bullied. Parents may use one of these template letters as a guide for writing a letter to their child's school. These letters contain standard language and "fill-in-the-blank" spaces so that the letter can be customized for each child's situation.

PACER Center's sample letter(s) can serve two purposes:

- First, the letter will alert school administration of the bullying and your desire for interventions.
- Second, the letter can serve as your written record when referring to events. The record (letter) should be factual and absent of opinions or emotional statements.

The two letters – "Student with an IEP, Notifying School About Bullying" and "Student with a 504, Notifying School About Bullying" – are for parents who have a child with an Individualized Education Plan (IEP) or Section 504. The bullying law of the individual state applies to all students as noted in the law. When bullying is based on the child's disability, federal law can also apply under Section 504, Individuals with Disabilities Act (IDEA), and Title II of the Americans with Disabilities Act.

8. The Power of Bystanders – More than 50 percent of bullying situations stop when a peer intervenes.

Most students don't like to see bullying but they may not know what to do when it happens. Peer advocacy – students speaking out on behalf of others – is a unique approach that empowers students to protect those targeted by bullying.

Peer advocacy works for two reasons: First, students are more likely than adults to see what is happening with their peers and peer influence is powerful. Second, a student telling someone to stop bullying has much more impact than an adult giving the same advice.

[Learn more about peer advocacy>>>](#)

9. The importance of self-advocacy

Self-advocacy means the student with a disability is responsible for telling people what they want and need in a straightforward way. Students need to be involved in the steps taken to address a bullying situation.

Self-advocacy is knowing how to:

- Speak up for yourself
- Describe your strengths, disability, needs, and wishes
- Take responsibility for yourself
- Learn about your rights
- Obtain help, or know who to ask, if you have a question

The person who has been bullied should be involved in deciding how to respond to the bullying. This involvement can provide students with a sense of control over their situation, and help them realize that someone is willing to listen, take action, and reassure them that their opinions and ideas are important.

Learn more about self advocacy for students, PACER's "[Tips for Teens: Use Your IEP Meetings to Learn How to Advocate for Yourself](#)"

The [Student Action Plan](#) is a self-advocacy resource. It includes three simple steps to explore specific, tangible actions to address the situation:

1. Define the situation
 2. Think about how the situation could be different
 3. Write down the steps to take action
2. You are not alone

When students have been bullied, they often believe they are the only one this is happening to, and that no one else cares. In fact, they are not alone.

There are individuals, communities, and organizations that do care. **It is not up to one person to end the bullying** and it is never the responsibility of the child to change what is happening to them. **No one deserves to be bullied.** All people should be treated with dignity and respect, no matter what. Everyone has a responsibility – and a role to play – as schools, parents, students, and the community work together for positive change.

Teens, learn more about what you can do, read PACER's "[Drama: Is it Happening To You?](#)"

Parents, learn more about what you can, read PACER's "[Steps to Take If Bullying is Happening To You](#)"

[Privacy](#) [Accessibility](#)

Visit our other sites:



HB 246 – Anti-bullying Legislation

March 25, 2015

Idaho Parents Unlimited, Inc. (IPUL) is the Statewide Parent Training and Information Center mandated under Section 671, Part D, of the Individuals with Disabilities Act (IDEA); funded under the US Department of Education, and the Family to Family Health Information Center; funded under the US Health Resources Services Administration. As such, we assist families who have children with disabilities and special health care needs throughout the state of Idaho.

Our office takes many calls throughout the year from parents who are concerned about the effects of bullying on their child, and who are seeking assistance to end the behavior. We provide parents training and information on understanding risk factors and intervention strategies for bullying utilizing our curriculum, “Bullying Prevention – Everyone’s Responsibility - What Parents Can Do.” We typically ramp up our training activities in October during National Bullying Prevention month; however, we offer the training year round upon request. Last year we provided the training seven times in all regions of the state, in Spanish, and via webinar. A request for a Spanish language presentation came in just today.

Additionally, we provide handouts and information from the US DOE/HRSA/OCR/CDC/SAHMSA joint supported stopbullying.gov campaign.

It is well recognized that bullying is a problem that affects children’s self-esteem and academic performance. Most of all, it can have dire effects on their health including anxiety, depression, and suicidal ideation. While approximately 20-25% of the general student population report experiences with bullying, one study reveals that approximately 60% of students with disabilities report being bullied regularly according to PACER’s National Bullying Prevention Center (2015). The effects can be monumental to the children being bullied as well as their families.

IPUL has long supported consistency in how public school personnel are to respond to bullying behaviors, especially because the vast majority of bullying takes place at school (Sampson, 2015). Educators frequently express frustration at a lack of training or understanding of best practices in intervention.

Therefore, we are in support of HB246 and strengthening Idaho’s anti-bullying statute by providing guidance and professional development for school personnel, as well as graduated consequences for students who are bullying others.

Sincerely,

A handwritten signature in blue ink that reads "Angela Lindig". The signature is written in a cursive, flowing style.

Angela Lindig
Executive Director

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TEL: 208-342-5884, 800-242-4785
TDD & FAX: 208-342-1408

References:

PACER'S national bullying prevention center. (2015). Retrieved from <http://www.pacer.org/bullying/resources/students-with-disabilities/>

Sampson, R. (2015). *Center for problem oriented policing*. Retrieved from <http://www.popcenter.org/problems/bullying/>

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Senate Education Committee

Re: HB 246

Esteemed committee members~ thank you for allowing me to share with you today the story of my son Ryan Joel Zicha. My son Ryan passed away of a completed suicide in January of 2011 in Pocatello, Idaho at the age of 19. He was an amazing kid who seemed to really touch the lives of everyone he met and my family and I miss him dearly every day.

My family and I moved to Pocatello from Spokane Washington when my son Ryan was 15. The young man who moved with us to Pocatello was an incredibly confident and self-reliant young man who up until that time in his life had really enjoyed school, receiving mostly A's and a few B's his whole life. At that time in my son's life if someone were to ask me to pick one person to be stranded on a desert Island with, other than my husband, I would have absolutely chosen my son Ryan because he was so strong and capable after having spent 9 years with the Boy Scouts of America and earning a Life Scout designation with them. At age 14, my husband and I allowed Ryan to spend a full 30 days away from home backpacking in the Sisters mountain range in Oregon with a family friend and we never once worried about him while he was away.

When Ryan began school in Pocatello, he began to have issues in school almost right away. Ryan was openly gay~~ he hadn't ever had a problem with being so in Spokane so it hadn't even occurred to us that it would be a problem for Ryan there. Within 3 days at Highland High School in Pocatello, the bullying and harassment began for him. At first things started off small, with things like name calling and Things became progressively worse though and the abuse turned to physical bullying in the hallways in between classes and off campus as well. One night my son went to a party where he was literally dragged out into the snow by a group of at least three of the popular kids and they beat him up badly, leaving him throwing up in a snowbank.

By mid year my son was almost failing. That confident, capable young man had been torn apart, piece by piece until there was nothing left.

One night while my husband and I were out of town on business our son took a firearm from our home and drove to Pebble creek ski resort where he somehow managed to get his 2 wheel drive truck up the 7 miles of steep, snowy roads to the top. He then walked up the side of the mountain in knee deep snow, with little to no winter gear on until he ran out of path and could walk no further; Ryan sat down under a tree and took his own life.

At home We found a letter that said

"Please do not remember me as a failure.instead please remember me as someone who fought as long as he could"

Bullying is not a right of passage. It is a systematic method of tearing kids to pieces and H246 will go a long way to ending I in Idaho schools. The administrator from Ryan's school said to me at his memorial "Highland High school failed your son. We could have done more for him to make his integration easier but we didn't" H246 will change that.

Thank you

Julie Zicha



Best Practices in Bullying Prevention and Intervention

Bullying is aggressive behavior that is intentional and that involves an imbalance of power or strength. Often, it is repeated over time and can take many forms. In many respects, research on bullying prevention is still in its infancy. Although researchers have documented success of some comprehensive programs in reducing bullying, we still have much to learn about which aspects of these programs are most important.

However, a review of existing bullying prevention programs and feedback from educators in the field led us to suggest ten strategies that represent “best practices” in bullying prevention and intervention.

1. Focus on the social environment of the school. To reduce bullying, it is important to change the climate of the school and the social norms with regard to bullying. It must become “uncool” to bully, “cool” to help out students who are bullied, and normative for staff and students to notice when a child is bullied or left out. This requires the efforts of everyone in the school environment—teachers, administrators, counselors, other non-teaching staff (such as bus drivers, nurses, school resource officers, custodians, cafeteria workers, and school librarians), parents, and students.

2. Assess bullying at your school. Intuitively adults are not always very good at estimating the nature and extent of bullying at their school. Frequently we are quite surprised by the amount of bullying that students experience, the types of bullying that are most common, or the “hot spots” where bullying happens. As a result, it is often quite useful to assess bullying by administering an

anonymous questionnaire to students about bullying. What are the possible benefits of conducting a survey of students?

- Findings can help motivate adults to take action against bullying;
- Data can help administrators and other educators tailor a bullying prevention strategy to the particular needs of the school; and
- Data can serve as a baseline from which administrators and other educators can measure their progress in reducing bullying.

3. Garner staff and parent support for bullying prevention. Bullying prevention should not be the sole responsibility of an administrator, counselor, teacher—or any single individual at a school. To be most effective, bullying prevention efforts require buy-in from the majority of the staff and from parents.

4. Form a group to coordinate the school’s bullying prevention activities. Bullying prevention efforts seem to work best if they are coordinated by a representative group from the school. This coordinating team (which might include an administrator, a teacher from each grade, a member of the non-teaching staff, a school counselor or other school-based mental health professional, a school nurse, and a parent) should meet regularly to digest data from the school survey described in Strategy 2; plan bullying prevention rules, policies, and activities; motivate staff, students, and parents; and ensure that the efforts continue over time. A student advisory group also can be formed to focus on bullying prevention and provide valuable suggestions and feedback to adults.

5. Train your staff in bullying prevention.

All administrators, faculty, and staff at your school should be trained in bullying prevention and intervention. In-service training can help staff to better understand the nature of bullying and its effects, how to respond if they observe bullying, and how to work with others at the school to help prevent bullying from occurring. Training should not be available only for teaching staff. Rather, administrators should make an effort to educate all adults in the school environment who interact with students (including counselors, media specialists, school resource officers, nurses, lunchroom and recess aides, bus drivers, parent volunteers, custodians, and cafeteria workers).

6. Establish and enforce school rules and policies related to bullying. Although many school behavior codes implicitly forbid bullying, many codes do not use the term or make explicit our expectations for student behavior. It is important to make clear that the school not only expects students not to bully, but that it also expects them to be good citizens, not passive bystanders, if they are aware of bullying or students who appear troubled, possibly from bullying. Developing simple, clear rules about bullying can help to ensure that students are aware of adults' expectations that they refrain from bullying and help students who are bullied. For example, one comprehensive program, the Olweus Bullying Prevention Program (see resources section on the Web site) recommends that schools adopt four straightforward rules about bullying:

- We will not bully others.
- We will try to help students who are bullied.
- We will make it a point to include students who are easily left out.
- If we know someone is being bullied, we will tell an adult at school and an adult at home.

School rules and policies should be posted and discussed with students and parents. Appropriate

positive and negative consequences also should be developed for following or not following the school's rules.

7. Increase adult supervision in hot spots where bullying occurs. Bullying tends to thrive in locations where adults are not present or are not vigilant. Once school personnel have identified hot spots for bullying from the student questionnaires, look for creative ways to increase adults' presence in these locations.

8. Intervene consistently and appropriately in bullying situations. All staff should be able to intervene effectively on the spot to stop bullying (i.e., in the 1–2 minutes that one frequently has to deal with bullying). Designated staff should also hold sensitive follow-up meetings with children who are bullied and (separately) with children who bully. Staff should involve parents of affected students whenever possible.

9. Focus some class time on bullying prevention. It is important that bullying prevention programs include a classroom component. Teachers (with the support of administrators) should set aside 20–30 minutes each week (or every other week) to discuss bullying and peer relations with students. These meetings help teachers to keep their fingers on the pulse of students' concerns, allow time for candid discussions about bullying and the harm that it can cause, and provide tools for students to address bullying problems. Anti-bullying themes and messages also can be incorporated throughout the school curriculum.

10. Continue these efforts over time. There should be no "end date" for bullying prevention activities. Bullying prevention should be woven into the entire school environment.