

SENATE BILL NO. 141

INTRODUCED BY K. GILLAN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROMOTING SAFE SCHOOLS AND CREATING THE MONTANA SCHOOLS ARE FOR EDUCATION ACT; PROVIDING DEFINITIONS; ADDRESSING AND PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION OF STUDENTS; REQUIRING EACH SCHOOL DISTRICT TO ADOPT A POLICY PROHIBITING BULLYING, HARASSMENT, OR INTIMIDATION; PROVIDING MINIMUM REQUIREMENTS FOR THE CONTENTS OF A SCHOOL DISTRICT POLICY; AND REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO DEVELOP A MODEL POLICY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Schools Are for Education Act".

NEW SECTION. **Section 2. Definitions.** (1) "Bullying, harassment, or intimidation" means any threatening, insulting, or demeaning gesture or physical conduct or any intentional written, verbal, or electronic communication or threat directed against a student that a reasonable person under the circumstances should know will have the effect of:

- (a) placing a student in reasonable fear of harm to the student or the student's property;
- (b) substantially interfering with a student's educational performance or opportunities; or
- (c) substantially disrupting the orderly operation of a school.

(2) The term includes retaliation against a victim or witness who reports information about an act of bullying, harassment, or intimidation.

NEW SECTION. **Section 3. Bullying of student prohibited.** Bullying, harassment, or intimidation of a student enrolled in a public K-12 school or nonpublic accredited school by another student or an employee is strictly prohibited:

- (1) in a classroom or other location on school premises;
- (2) during any school-sponsored program, activity, or function where the school is responsible for the



1 student, including on a school bus or other school-related vehicle; or

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

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6 **NEW SECTION. Section 4. School district implementation, minimum requirements, model policy,**  
7 **and compliance.** (1) By August 1, 2012, each school district shall adopt a policy prohibiting bullying, harassment,  
8 or intimidation.

9 (2) The policy must be implemented in a manner that is ongoing throughout the school year and  
10 integrated with a school's curriculum, professional development programs, discipline policies, and other violence  
11 prevention efforts.

12 (3) Each district has discretion and control over the development of its policy, but each district's policy  
13 must include at a minimum:

14 (a) a definition of bullying, harassment, or intimidation that includes the definitions provided in [section  
15 2];

16 (b) a statement prohibiting bullying, harassment, or intimidation of any student as described in [section  
17 3];

18 (c) a procedure for reporting and documenting reports of acts of bullying, harassment, or intimidation;

19 (d) a procedure for prompt investigation of all reports of bullying, harassment, or intimidation and  
20 response to all reported acts of bullying, harassment, or intimidation that identifies the persons responsible for  
21 the investigation and response;

22 (e) a procedure for determining whether the reported act is outside the jurisdiction of the school or district  
23 and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;

24 (f) a procedure for prompt notification of the parents or guardian of the victim and perpetrator;

25 (g) a procedure to protect the victim from further bullying, harassment, or intimidation and to refer victims  
26 for appropriate remedial assistance, including counseling;

27 (h) a procedure for establishing consequences and appropriate remedial action, including counseling,  
28 for persons found to have committed acts of bullying, harassment, or intimidation; and

29 (i) a process for publicizing the policy, including prominent inclusion in each district's or school's student  
30 handbook.

