

HOUSE BILL NO. 449  
INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SCHOOL DISTRICT TO ADOPT A POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING ON SCHOOL PROPERTY, AT A SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS."

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

**NEW SECTION. Section 1. Legislative findings and declarations.** (1) The legislature finds that:

(a) a safe and civil environment in school is necessary for students to learn and achieve high academic standards;

(b) harassment, intimidation, or bullying, like other disruptive or violent behaviors, disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and

(c) school personnel should demonstrate appropriate behavior by refusing to tolerate harassment, intimidation, or bullying.

(2) The legislature declares that there is a compelling public need for school districts to adopt policies that prohibit harassment, intimidation, or bullying of students.

**NEW SECTION. Section 2. Definition.** (1) As used in [section 1 through 5], "harassment, intimidation, or bullying" means any gesture or written, verbal, or physical act that:

(a) a reasonable person should know will have the effect of harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or damage to the student's property; or

(b) has the effect of insulting or demeaning a student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of a student.

(2) The term includes but is not limited to any gesture or written, verbal, or physical act that is reasonably perceived as being motivated by:

(a) an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, or sexual orientation;

(b) a mental, physical, or sensory handicap; or

- (c) any other distinguishing characteristic.

**NEW SECTION. Section 3. Harassment policy -- contents.** (1) The trustees shall adopt a policy that prohibits harassment, intimidation, or bullying on school property, at a school-sponsored function, or on a school bus. The trustees shall consult parents, school personnel, students, and members of the community in developing the policy.

- (2) At a minimum, the policy must include:

- (a) a statement prohibiting harassment, intimidation, or bullying of a student;
- (b) a definition of harassment, intimidation, or bullying that may not be less inclusive than the definition provided for in [section 2];
- (c) a description of the type of behavior expected from each student;
- (d) a procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permits a person to report the act anonymously. Formal disciplinary action may not be initiated solely on the basis of an anonymous report.

- (e) a procedure for the prompt investigation of a report of a violation or complaint. The principal of the school or the principal's designee shall conduct the investigation.

- (f) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying; and

- (g) the consequences and appropriate remedial action for a person who:

- (i) commits an act of harassment, intimidation, or bullying; or
- (ii) retaliates against a person who reports an act of harassment, intimidation, or bullying.

- (3) The policy must be included in any school district publication that sets forth policies and procedures or standards of conduct for employees or students.

- (4) A copy of the policy must be sent to the county superintendent.

**NEW SECTION. Section 4. School district responsibilities.** (1) The trustees shall ensure that every school district employee, school volunteer, and student is made aware of the district's policy on harassment, intimidation, or bullying.

- (2) (a) If a school district has a training or orientation program for school district employees or school volunteers, the provisions of the district's policy must be incorporated into the program.

- (b) To the extent funds are available, a school district shall provide training on the district's policy to

school district employees and school volunteers who have significant contact with students.

(3) A school district or a school is encouraged to establish a program for the prevention of harassment, intimidation, or bullying.

**NEW SECTION. Section 5. School personnel responsibilities.** (1) A school district employee or a school volunteer who has witnessed or has reliable information that a student has been subjected to harassment, intimidation, or bullying shall promptly report the incident to the appropriate school official designated in the district's policy.

(2) A school district employee or a school volunteer may not engage in reprisal or retaliation against a victim, a witness, or a person with reliable information about an act of harassment, intimidation, or bullying.

**NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3, apply to [sections 1 through 5].

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