

HOUSE BILL NO. 284

INTRODUCED BY K. DUDIK

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A BILL FOR AN ACT ENTITLED: "AN ACT PROMOTING SAFE SCHOOLS AND CREATING THE BULLY-FREE MONTANA ACT; PROVIDING DEFINITIONS; PROHIBITING BULLYING OF STUDENTS; REQUIRING EACH SCHOOL DISTRICT OR NONPUBLIC ACCREDITED SCHOOL TO ADOPT A POLICY ADDRESSING BULLYING; AND PROVIDING MINIMUM REQUIREMENTS FOR THE CONTENTS OF A 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 "Bully-Free Montana Act".

NEW SECTION. Section 2. Definitions. (1) "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication or threat directed against a student that is repeated or has the potential to be repeated over time and that:

- (a) causes a student physical harm, damages a student's property, or places a student in reasonable fear of harm to the student or the student's property;
- (b) creates a hostile environment by interfering with or denying a student's access to an educational opportunity or benefit; or
- (c) substantially and materially disrupts the orderly operation of a school.

(2) The term includes retaliation against a victim or witness who reports information about an act of bullying and includes acts of hazing associated with athletics or school-sponsored organizations or groups.

NEW SECTION. Section 3. Bullying of student prohibited. (1) Bullying of a student enrolled in a public K-12 or PK-12 school or nonpublic accredited school by another student or an employee is prohibited:

- (a) on any location in a school building or on school premises;
- (b) during any school-sponsored program, event, 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

1 school-related vehicle; or

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

5 (2) A student who is determined by a school district to have engaged in bullying is subject to discipline
6 in accordance with the provisions of 20-5-201 and 20-5-202, including suspension, expulsion, and any other
7 sanction authorized by law.

8 (3) A district or school employee or contracted employee found to have engaged in bullying of a student
9 of the district or school is subject to discipline in accordance with district and school policy and other controlling
10 contractual agreements.

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12 **NEW SECTION. Section 4. School district implementation.** (1) Each school district or nonpublic
13 accredited school shall have a policy addressing bullying.

14 (2) Each district or nonpublic accredited school has discretion and control over the development and
15 implementation of its policy, but each district's or school's policy must include at a minimum:

16 (a) a definition of bullying that includes the definitions provided in [section 2];

17 (b) a statement prohibiting bullying of any student as described in [section 3];

18 (c) a procedure for reporting and documenting reports of acts of bullying;

19 (d) a procedure for prompt investigation, as defined in policy, of all reports of bullying and response to
20 all reported acts of bullying that identifies the persons responsible for the investigation and response;

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

24 (f) a procedure for prompt notification, as defined in the policy, of the parents or guardians of the victim
25 and perpetrator;

26 (g) a procedure to protect the victim from further bullying and to refer the victim for appropriate remedial
27 assistance, as defined in policy;

28 (h) a procedure for establishing disciplinary consequences and appropriate remedial action to eliminate
29 the hostile environment created by the bullying; and

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

1 and personnel policy.

2 (3) Compliance with [sections 2 through 4] must be considered during a school's accreditation review
3 pursuant to 20-7-102.

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5 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified
6 as an integral part of Title 20, chapter 5, and the provisions of Title 20, chapter 5, apply to [sections 1 through 4].

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