

HOUSE BILL NO. HB0223

Bullying prevention.

Sponsored by: Representative(s) Simpson, Harshman and Meyer and Senator(s) Coe

A BILL

for

1 AN ACT relating to education; providing definitions;
2 providing that harassment, intimidation or bullying is
3 prohibited; requiring school districts to adopt policies as
4 provided; imposing requirements on the department of
5 education; providing applicability; providing immunity for
6 school employees and volunteers as specified; and providing
7 for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 21-4-311 through 21-4-315 are created
12 to read:

13

14 **21-4-311. Safe school climate act; short title.**

15

1 This act shall be known and may be cited as the "Safe
2 School Climate Act".

3

4 **21-4-312. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Harassment, intimidation or bullying" means
9 any intentional gesture, any intentional electronic
10 communication or any intentional written, verbal, or
11 physical act that a reasonable person under the
12 circumstances should know will have the effect of:

13

14 (A) Harming a student physically or
15 emotionally, damaging a student's property or placing a
16 student in reasonable fear of personal harm or property
17 damage;

18

19 (B) Insulting or demeaning a student or
20 group of students causing substantial disruption in, or
21 substantial interference with, the orderly operation of the
22 school; or

23

24 (C) Is sufficiently severe, persistent or
pervasive that it creates an intimidating, threatening or

1 abusive educational environment for a student or group of
2 students.

3

4 (ii) "School" includes a classroom or other
5 location on school premises, a school bus or other school-
6 related vehicle, a school bus stop, an activity or event
7 sponsored by a school, whether or not it is held on school
8 premises, and any other program or function where the
9 school is responsible for the child;

10

11 (iii) "This act" means W.S. 21-4-311 through
12 21-4-315.

13

14 **21-4-313. Prohibition against harassment,**
15 **intimidation or bullying; reporting to school officials.**

16

17 (a) No person shall engage in:

18

19 (i) Harassment, intimidation or bullying; or

20

21 (ii) Reprisal, retaliation or false accusation
22 against a victim, witness or person with reliable
23 information about an act of harassment, intimidation or
24 bullying.

1

2 **21-4-314. School district implementation; state**
3 **policies, training and technical assistance.**

4

5 (a) Not later than December 31, 2009, each school
6 district shall adopt a policy prohibiting harassment,
7 intimidation or bullying at school. The school district
8 shall involve parents and guardians, school employees,
9 volunteers, students, administrators and community
10 representatives in the process of creating the policy.
11 Policies created under this section shall be continuously
12 reviewed and may be revised as necessary.

13

14 (b) The policy prohibiting harassment, intimidation
15 or bullying shall include, without limitation:

16

17 (i) A statement prohibiting harassment,
18 intimidation or bullying of a student;

19

20 (ii) A definition of "harassment, intimidation
21 or bullying" which includes at minimum the definition as
22 provided in W.S. 21-4-312(a)(i);

23

1 (iii) A description of appropriate student
2 behavior;

3

4 (iv) Consequences and appropriate remedial
5 actions for persons committing acts of harassment,
6 intimidation or bullying or engaging in reprisal or
7 retaliation;

8

9 (v) Procedures for reporting and documenting
10 acts of harassment, intimidation or bullying, including a
11 provision for reporting anonymously. However, formal
12 disciplinary action shall not be taken solely on the basis
13 of an anonymous report. The procedures shall identify the
14 appropriate school personnel responsible for receiving a
15 report and investigating a complaint;

16

17 (vi) Procedures for prompt investigation of
18 reports or complaints of serious violations;

19

20 (vii) A statement that prohibits reprisal or
21 retaliation against a person who reports or makes a
22 complaint of harassment, intimidation or bullying;

23

1 (viii) A strategy for protecting a victim from
2 additional harassment, intimidation or bullying, and from
3 retaliation following a report;

4
5 (ix) Consequences and appropriate remedial
6 action for a person who is found to have made a false
7 accusation, report or complaint;

8
9 (x) A process for discussing the district's
10 harassment, intimidation or bullying policy with students;
11 and

12
13 (xi) A statement of how the policy is to be
14 publicized, including notice that the policy applies to
15 participation in functions sponsored by the school.

16
17 (c) To assist local school districts in developing a
18 policy under subsection (b) of this section, the department
19 of education shall not later than September 1, 2009,
20 develop model policies applicable to grades kindergarten
21 through twelve (12) and teacher preparation program
22 standards on the identification and prevention of bullying.
23 In addition, the department shall provide necessary

1 training programs and technical assistance to districts in
2 carrying out this act.

3

4 (d) Each local school board shall include the policy
5 adopted by a school district pursuant to this section in a
6 publication of the comprehensive rules, procedures and
7 standards of conduct for schools of a school district and
8 in each school's student's handbook.

9

10 (e) Information regarding the school district's
11 policy against harassment, intimidation or bullying shall
12 be incorporated into each district's professional
13 development programs and shall be provided to volunteers
14 and other noncertified employees of the district who have
15 significant contact with students.

16

17 (f) School districts may establish bullying
18 prevention programs or other initiatives and may involve
19 school staff, students, administrators, volunteers,
20 parents, law enforcement and community members.

21

22 **21-4-315. Applicability; no civil liability created;**
23 **immunity.**

24

1 This article shall not be interpreted to prevent a victim
2 from seeking redress pursuant to any other applicable civil
3 or criminal law. This article does not create or alter any
4 civil cause of action for monetary damages against any
5 person nor shall it constitute grounds for any claim or
6 motion raised by either the state or defendant in any
7 proceedings.

8

9 **Section 2.** This act is effective immediately upon
10 completion of all acts necessary for a bill to become law
11 as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14

(END)