

HOUSE BILL NO. HB0122

Harassment by bullying.

Sponsored by: Representative(s) Davison, Craft and Jaggi and Senator(s) Cooper and Sessions

A BILL

for

1 AN ACT relating to schools; requiring that school districts
2 establish policies prohibiting certain harassing behaviors;
3 providing definitions; providing for immunity under certain
4 circumstances; providing for policy training and education;
5 providing legislative findings; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 21-3-601 through 21-3-605 are created
11 to read:

12

13

ARTICLE 6

14

HARASSMENT, INTIMIDATION OR BULLYING PROHIBITION

15

16

21-3-601. Definitions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(a) As used in this article:

(i) "Harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat that:

(A) A reasonable person under the circumstances should know will have the effect of:

(I) Harming a student;

(II) Damaging a student's property;

(III) Placing a student in reasonable fear of harm to his person; or

(IV) Placing a student in reasonable fear of damage to his property.

(B) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

1 **21-3-602. Policy prohibiting harassment, intimidation**
2 **or bullying.**

3

4 (a) Each school district shall establish a policy
5 prohibiting harassment, intimidation or bullying. Each
6 school district board has control over the content of its
7 policy as long as the policy contains, at a minimum, the
8 requirements of subsection (b) of this section. The policy
9 shall be adopted through a process that includes
10 representation of parents or guardians, school employees,
11 school volunteers, students and community members.

12

13 (b) Each school district policy shall, at a minimum,
14 include the following components:

15

16 (i) A statement prohibiting harassment,
17 intimidation or bullying of any student on school property
18 or at school sponsored events;

19

20 (ii) A definition of harassment, intimidation or
21 bullying no less inclusive than provided by W.S.
22 21-3-601(a)(i);

23

1 (iii) A procedure for reporting prohibited
2 incidents;

3

4 (iv) A requirement that school personnel report
5 prohibited incidents of which they are aware;

6

7 (v) A requirement that parents or guardians of
8 any student involved in an incident prohibited pursuant to
9 this article be notified;

10

11 (vi) A procedure for documenting any prohibited
12 incident that is reported;

13

14 (vii) A procedure for responding to and
15 investigating any reported incident;

16

17 (viii) A strategy for protecting a victim from
18 additional harassment, intimidation or bullying, and from
19 retaliation following a report;

20

21 (ix) A disciplinary procedure for any student
22 guilty of harassment, intimidation or bullying; and

23

1 (x) A requirement that any information relating
2 to a reported incident is confidential and exempt from
3 disclosure except as authorized under the policy.

4

5 (c) Each school district shall adopt the policy and
6 submit a copy to the state superintendent of public
7 instruction by December 1, 2009.

8

9 (d) To assist school districts in developing their
10 policies, the Wyoming department of education shall develop
11 a model policy applicable to grades kindergarten through
12 twelfth. The model policy shall be issued by September 1,
13 2009.

14

15 (e) Notice of the school district's policy shall
16 appear in any student handbook, and in any school district
17 publication that sets forth the comprehensive rules,
18 procedures and standards of conduct for the school.

19

20 **21-3-603. Immunity.**

21

22 (a) A school employee, student or volunteer is
23 individually immune from a cause of action for damages
24 arising from reporting the incident, if that person:

1

2 (i) In good faith promptly reports an incident
3 of harassment, intimidation or bullying;

4

5 (ii) Makes the report to the appropriate school
6 official as designated by the policy; and

7

8 (iii) Makes the report in compliance with the
9 procedures as specified in the policy.

10

11 **21-3-604. Policy training and education.**

12

13 (a) Schools and school districts are encouraged, but
14 not required, to form bullying prevention task forces,
15 programs and other initiatives involving school staff,
16 students, teachers, administrators, volunteers, parents,
17 law enforcement and community members.

18

19 (b) To the extent state or federal funds are
20 appropriated for these purposes, each school district
21 shall:

22

1 (i) Provide training on the harassment,
2 intimidation or bullying policy to school employees and
3 volunteers who have direct contact with students; and

4
5 (ii) Develop a process for educating students on
6 the harassment, intimidation or bullying policy.

7
8 (c) Information regarding the school district policy
9 against harassment, intimidation or bullying shall be
10 incorporated into each school's current employee training
11 program.

12
13 **21-3-605. Liability.**

14
15 Nothing in this article shall prohibit a victim from
16 seeking redress under any other provision of civil or
17 criminal law.

18
19 **Section 2.** Legislative findings.

20
21 (a) The legislature finds that a safe and civil
22 environment in school is necessary for students to learn
23 and achieve high academic standards. The legislature finds
24 that harassment, intimidation or bullying, like other

1 disruptive or violent behavior, is conduct that disrupts
2 both a student's ability to learn and a school's ability to
3 educate its students in a safe, nonthreatening environment.

4

5 (b) The legislature further finds that students learn
6 by example. The legislature charges school administrators,
7 faculty, staff and volunteers with demonstrating
8 appropriate behavior, treating others with civility and
9 respect, and refusing to tolerate harassment, intimidation
10 or bullying.

11

12 **Section 3.** This act is effective July 1, 2009.

13

14

(END)