

On Wednesday April 9th a group gathered on the capitol steps for a bill signing ceremony. The Governor's signature on a bill represents the final step of the legislative process. A group of advocates, legislators and media gathered to watch the Governor sign HF 826, the bullying bill. After an hour of speeches, the Governor signed the bill.

This represents the end of long journey. The bill had over 25 separate legislative actions, 15 committee hearings, a task force, hours of debate, arm-twisting, compromise, analysis and finally Governor's signature.

Student behavior can get back to being a school issue rather than a legislative one.

Here is the summary:

1. **The bill applies to student vs. student bullying.** This is a student statute. It does not cover claims of teachers or coaches behavior toward students. Interestingly, the bill does not apply to private schools or home schools. It does, however, apply to home school students on public school athletic teams.
2. **Traditional notions of school authority are maintained.** Behavior that occurs at school, on buses or school events is covered. Electronic behavior that occurs off school premises but "substantially and materially disrupts" the school or "learning" can be disciplined as well. This is the same standard that has always been used regarding questions of "out of school" behavior. It has to have some impact what is happening at school. Same as before.
3. **The Definition of bullying has four parts.**
The key provision of the bill is the definition of bullying. It is easy to break it down:
 - a. Bullying is intimidating, threatening, abusive or hurtful conduct
 - b. It is objectively offensive and
 - c. The conduct involves an imbalance of power and is repeated or
 - d. The conduct materially and substantially interferes with a student's education or ability to participate in school activities.

This definition sets an easy, workable standard for defining bullying. Bullying falls into two categories: (1) Bad behavior that involves an imbalance of power and pattern, or, (2) bad behavior that significantly affects a student's ability to participate school, classes, or events.

The second part of the definition was an attempt to say that a single event may be so severe that it would be included in bullying. "Material and substantial interference" is a relatively high standard. The fact that someone is simply offended is insufficient to meet this standard. There must be

some substantial interference with the student's educational opportunities or rights.

Principals make judgment calls every day on the application of these standards. This bill will continue that practice.

4. **Districts must adopt or amend existing policies to comply with the new law.** This statute is effective immediately. MSBA is already putting a new model policy together for school boards. The policy is to be adopted in consultation with parents, students and community organizations. This requirement has a bit of an out clause saying: "to the extent practicable".

The policy must include the examples of intimidating, threatening, abusive or harmful conduct contained in 2(g) of the statute. This paragraph contains a listing of examples. In typical legislative drafting, one sentence contains 129 words. People thought our statute was short? Well it's long now! So we'll include the sentence as required, but we'll have to translate it for students.

The policy must emphasize "remedial" responses to bullying. Pretty much what principals do every day. We will enumerate examples of responses.

5. **The policy must be distributed.** You have to post a summary in the office, put it in the handbook and give it to school employees and anyone else who regularly interacts with students.
6. **Training and communication are required.** "Consistent with local policy" schools must discuss the policy with students and school personnel. Schools must establish a three-year training cycle for employees. (New employees have to get the training in their first year.) Volunteers do not have to be trained and you can design the training as you see fit. Trainers will be coming out of the woodwork on this. Training and programing for students is "encouraged."
7. **Requirements for schools:**
 - a. Designate a primary contact person for bullying (the principal)
 - b. Require employees to make reasonable efforts to address bullying when they see it or know about it
 - c. Commence investigations within 3 days of receipt of a report
 - d. Contact parents as appropriate
 - e. Prohibit retaliation, identify school responses, and do not rely solely on anonymous reports
 - f. Inform students and parents of their data practices rights (this should be done in the handbook and we will provide sample language for principals.)

8. School Safety Council is created to improve school climates and school safety. An Assistance Center will be created by the commissioner. The commissioner will develop a model policy as well.