

State of Arkansas

As Engrossed: H4/1/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1933

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO AMEND THE STATE ANTI-BULLYING POLICY; TO
REQUIRE THAT A SCHOOL BOARD MEMBER RECEIVE
INFORMATION REGARDING SCHOOL SAFETY AND STUDENT
DISCIPLINE; TO INCLUDE BULLYING AND CYBERBULLYING
PREVENTION TRAINING WITHIN A PROFESSIONAL DEVELOPMENT
PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ANTI-BULLYING POLICY; TO
REQUIRE A SCHOOL BOARD MEMBER TO RECEIVE
INFORMATION REGARDING SCHOOL SAFETY AND
STUDENT DISCIPLINE; AND TO REQUIRE A
BULLYING AND CYBERBULLYING PREVENTION
PROFESSIONAL DEVELOPMENT PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.
The General Assembly finds that:

(1) A 2016 study, "Indicators of School Crime and Safety,"
published by the United States Department of Justice and the United States
Department of Education, reported that twenty-one percent (21%) of students
twelve (12) through eighteen (18) years of age reported being bullied at
school during the previous school year;

(2) The same 2016 study also reported that about thirty-three
percent (33%) of students who reported being bullied at school indicated that
they were bullied at least once or twice a month during the school year;



1 (3) A 2017 study by the Centers for Disease Control and
2 Prevention, the Youth Risk Behavior Surveillance study, reported that
3 Arkansas ranks highest in the nation for the percentage of teenagers who were
4 bullied on school property;

5 (4) The persistence of school bullying has led to instances of
6 student suicide across the country, including Arkansas;

7 (5) Significant research findings have emerged since Arkansas
8 enacted its public school anti-bullying statutes in 2003 and its
9 cyberbullying law in 2011;

10 (6) School districts and students, parents, teachers,
11 principals, other school staff, and school district boards of directors would
12 benefit from the establishment of clearer standards regarding what
13 constitutes bullying and how to prevent, report, investigate, and respond to
14 incidents of bullying;

15 (7) It is the intent of the General Assembly in enacting this
16 legislation to strengthen the standards and procedures for preventing,
17 reporting, investigating, and responding to incidents of bullying of students
18 that occur on and off school property;

19 (8) Fiscal responsibility requires Arkansas to take a more
20 effective and clearer approach to eliminate school bullying by ensuring that
21 existing resources are better managed and used to make schools safer for
22 students; and

23 (9) By strengthening the standards and procedures for the
24 prevention, reporting, and investigation of and the response to incidents of
25 bullying, it is the intent of the General Assembly to reduce the risk of
26 suicide among students and avert not only the needless loss of a young life
27 but also the tragedy that such loss causes a student's family and the
28 community at large.

29
30 SECTION 2. Arkansas Code § 6-13-629(a)(3)(A), concerning the training
31 and instruction of school board members, is amended to read as follows:

32 (3)(A) The training and instruction required under this section
33 shall include:

34 (i) ~~topics~~ Topics relevant to school laws, and
35 school operations, ~~and~~

36 (ii) ~~the~~ The powers, duties, and responsibilities of

1 the members of the ~~board~~ boards of directors, including without limitation:

2 ~~(i)-(a)~~ Legal requirements, including without
3 limitation:

4 ~~(a)-(1)~~ The items listed or required by the
5 Legislative Joint Auditing Committee under § 6-1-101; and

6 ~~(b)-(2)~~ Other financial laws or regulations
7 designated by the Department of Education;

8 ~~(ii)-(b)~~ Role differentiation;

9 ~~(iii)-(c)~~ Financial management, including without
10 limitation how to read and interpret an audit report; and

11 ~~(iv)-(d)~~ Improving student achievement; ~~and~~

12 (iii) Information regarding school safety and
13 student discipline.

14 (b) A member shall be required to complete the
15 program in subdivision (a)(3)(A)(iii)(a) of this section only one (1) time.

16
17 SECTION 3. Arkansas Code Title 6, Chapter 17, Subchapter 7, is amended
18 to add an additional section to read as follows:

19 6-17-711. Bullying Prevention – Professional development.

20 (a) The Department of Education shall require two (2) hours of
21 professional development in the following areas for licensed public school
22 personnel according to the professional development schedule under § 6-17-
23 709:

24 (1) Bullying prevention; and

25 (2) Recognition of the relationship between incidents of
26 bullying and the risk of suicide.

27 (b) The professional development under this section shall count toward
28 the satisfaction of requirements for professional development in the
29 Standards for Accreditation of Arkansas Public Schools and School Districts
30 and for licensure requirements for licensed personnel.

31 (c)(1) In addition to the professional development requirement under
32 subsection (a) of this section, the department shall develop a guidance
33 document for use by parents and legal guardians, students, and public school
34 districts to assist in resolving complaints concerning student bullying
35 behaviors.

36 (2) The guidance document required under subdivision (c)(1) of

1 this section shall include without limitation:

2 (A) A public school district's obligations under § 6-18-
3 514;

4 (B) Best practices for the prevention, reporting, and
5 investigation of and the response to bullying in public schools; and

6 (C) A clear definition of bullying that provides examples
7 regarding conduct that does and does not constitute bullying.

8 (3) The guidance document under subdivision (c)(1) of this
9 section shall be provided to licensed public school personnel as part of the
10 professional development required under subsection (a) of this section.

11
12 SECTION 4. Arkansas Code § 6-18-514(b)(2), concerning anti-bullying
13 policies in public schools, is amended to read as follows:

14 (2)(A) "Bullying" means the intentional harassment,
15 intimidation, humiliation, ridicule, defamation, or threat or incitement of
16 violence by a student against another student or public school employee by a
17 written, verbal, electronic, or physical act that may address an attribute of
18 the other student, public school employee, or person with whom the other
19 student or public school employee is associated and that causes or creates
20 actual or reasonably foreseeable:

21 ~~(A)(i)~~ Physical harm to a public school employee or
22 student or damage to the public school employee's or student's property;

23 ~~(B)(ii)~~ Substantial interference with a student's
24 education or with a public school employee's role in education;

25 ~~(C)(iii)~~ A hostile educational environment for one (1) or
26 more students or public school employees due to the severity, persistence, or
27 pervasiveness of the act; or

28 ~~(D)(iv)~~ Substantial disruption of the orderly operation of
29 the public school or educational environment~~+~~.

30 (B) "Bullying" includes cyberbullying as defined in this
31 section;

32
33 SECTION 5. Arkansas Code § 6-18-514(d)-(j), concerning anti-bullying
34 policies in public schools, are amended to read as follows:

35 (d) A If an alleged incident of bullying occurs during school hours, a
36 public school principal or his or her designee who receives a credible report

1 or complaint of bullying shall ~~promptly investigate the complaint or report~~
2 ~~and make a:~~

3 (1) As soon as reasonably practicable:

4 (A) Report to a parent or legal guardian of a student
5 believed to be the victim of an incident of bullying that his or her child is
6 the victim in a credible report of complaint or bullying; and

7 (B) Prepare a written report of the alleged incident of
8 bullying;

9 (2)(A) Promptly investigate the credible report or complaint.

10 (B)(i) The investigation conducted under subdivision
11 (d)(2)(A) of this section shall be completed as soon as possible but not
12 later than five (5) school days from the date of the written report of the
13 alleged incident of bullying as required under subdivision (d)(1)(B) of this
14 section.

15 (ii) Following the completion of the investigation
16 into the alleged incident of bullying conducted under subdivision (d)(2)(A)
17 of this section, an individual licensed as a public school district building-
18 level administrator or his or her designee may without limitation:

19 (a) Provide intervention services;

20 (b) Establish training programs to reduce
21 bullying;

22 (c) Impose discipline on any of the parties
23 involved in the incident of bullying;

24 (d) Recommend counseling for any of the
25 parties involved in the incident of bullying; or

26 (e) Take or recommend other appropriate
27 action;

28 (3)(A) Notify the parent or legal guardian of the student who is
29 determined to have been the perpetrator of the incident of bullying:

30 (i) Upon completion of the investigation under
31 subdivision (d)(2)(A) of this section; and

32 (ii) Regarding the consequences of continued
33 incidents of bullying.

34 (B) A parent or legal guardian of a student who is a party
35 to an investigation of an incident of bullying conducted under subdivision
36 (d)(2)(A) of this section is entitled within five (5) school days after the

1 completion of the investigation, and in accordance with federal and state
2 law, to receive information about the investigation, including without
3 limitation:

4 (i) That a credible report or complaint of bullying
5 exists;

6 (ii) Whether the credible report or complaint of
7 bullying was found to be true based on the investigation;

8 (iii) Whether action was taken upon the conclusion
9 of the investigation of the alleged incident of bullying; and

10 (iv) Information regarding the reporting of another
11 incident of bullying;

12 (4)(A) Make a written record of the investigation and any action
13 taken as a result of the investigation.

14 (B) The written record of the investigation shall include
15 a detailed description of the alleged incident of bullying, including without
16 limitation a detailed summary of the statements from all material witnesses
17 to the alleged incident of bullying; and

18 (5) Discuss, as appropriate, the availability of counseling and
19 other intervention services with students involved in the incident of
20 bullying.

21 (e) One (1) time each school year, the superintendent of a public
22 school district shall report to the public school district board of directors
23 at a public hearing data regarding discipline in the public school district,
24 including without limitation the number of incidents of bullying reported and
25 the actions taken regarding the reported incidents of bullying.

26 ~~(e)(1)(f)(1) The Each public school district board of directors of~~
27 ~~every school district~~ shall adopt policies to prevent bullying.

28 (2) The policies shall:

29 (A)(i) Clearly define conduct that constitutes bullying.

30 (ii) The definition under subdivision (f)(2)(A)(i)
31 of this section shall include without limitation the definition contained in
32 subsection (b) of this section;

33 (B) Prohibit ~~bullying~~:

34 (i) ~~While Bullying while~~ in school, on school
35 equipment or property, in school vehicles, on school buses, at designated
36 school bus stops, at school-sponsored activities, or at school-sanctioned

1 events; or

2 (ii)(a) ~~By an electronic act~~ Cyberbullying that
3 results in the substantial disruption of the orderly operation of the school
4 or educational environment.

5 (b) This section ~~shall apply~~ applies to ~~an~~
6 ~~electronic act whether or not the electronic act~~ cyberbullying whether or not
7 the cyberbullying originated on school property or with school equipment, if
8 the ~~electronic act~~ cyberbullying is directed specifically at students or
9 school personnel and maliciously intended for the purpose of disrupting
10 school and has a high likelihood of succeeding in that purpose;

11 (C) State the consequences for engaging in the prohibited
12 conduct, which may vary depending on the age or grade of the student
13 involved;

14 (D) Require that a school employee who has witnessed or
15 has reliable information that a pupil has been a victim of an incident of
16 bullying as defined by the public school district shall report the incident
17 to the principal as soon as possible;

18 (E) Require that ~~the any person or persons who file files~~
19 a credible report or makes a complaint of bullying will ~~will~~ shall not be subject
20 to retaliation or reprisal in any form;

21 (F) Require that notice of what constitutes bullying, that
22 bullying is prohibited, and that the consequences of engaging in bullying be
23 conspicuously posted in every classroom, cafeteria, restroom, gymnasium,
24 auditorium, and school bus in the district; ~~and~~

25 ~~(G)(i)~~ (i) Require that copies of the notice of what
26 constitutes bullying, ~~that bullying is prohibited, and that the prohibition~~
27 of bullying, and the consequences of engaging in bullying be provided to
28 parents and legal guardians, students, school volunteers, and employees of
29 the public school annually.

30 (ii) Each policy shall require that a full copy of
31 the policy be made available upon request; ~~and~~

32 (H) Describe the procedures for reporting an incident of
33 bullying and the steps school employees may take in order to address a report
34 of an alleged incident of bullying as described in this section.

35 (3) A notice of the public school district's policies shall
36 appear in any:

1 (A) Publication of the public school district that sets
2 forth the comprehensive rules, procedures, and standards of conduct for
3 public schools within the public school district; and

4 (B) Student handbook.

5 (4) The public school district shall, to the extent required,
6 annually conduct a reevaluation, reassessment, and review of its policies
7 regarding the prohibition of bullying and make any necessary revisions and
8 additions.

9 ~~(f)~~(g) A public school district shall provide training on compliance
10 with the ~~antibullying~~ anti-bullying policies to all public school district
11 employees responsible for reporting or investigating bullying under this
12 section.

13 ~~(g)~~(h) A public school employee who has reported violations under the
14 public school district's policy shall be immune from any tort liability that
15 may arise from the failure to remedy the reported incident of bullying.

16 ~~(h)~~(i) The public school district board of directors ~~of a school~~
17 ~~district~~ may provide opportunities for school employees to participate in
18 programs or other activities designed to develop the knowledge and skills to
19 prevent and respond to acts covered by ~~this policy~~ the public school
20 district's policies.

21 ~~(i)~~(j) The public school district shall provide the Department of
22 Education with the website address at which a copy of the policies adopted in
23 compliance with this section may be found.

24 ~~(j)~~(k) This section is not intended to:

25 (1) Restrict a public school district from adopting and
26 implementing policies against bullying ~~or~~ and school violence or policies to
27 promote civility and student dignity that are more inclusive than the
28 ~~antibullying~~ policies prohibiting bullying required under this section; ~~or~~

29 (2) Unconstitutionally restrict protected rights of freedom of
30 speech, freedom of religious exercise, or freedom of assembly;

31 (3) Affect the provisions of any collective bargaining agreement
32 or individual contract of employment in effect on the effective date of this
33 act; or

34 (4) Alter or reduce the rights of a student with a disability
35 with regard to disciplinary action or to general or special educational
36 services and support.

1 (1)(1) Nonpublic schools are encouraged to comply with the provisions
2 of this section.

3 (2) In the case of a faith-based nonpublic school, this section
4 shall not be interpreted to prohibit or abridge the legitimate statement,
5 expression, or free exercise of the beliefs or tenets of any faith by the
6 religious organization operating the school or by the school's faculty,
7 staff, or student body.

8
9 SECTION 6. Arkansas Code § 6-18-514, concerning anti-bullying policies
10 in public schools, is amended to add additional subdivisions to read as
11 follows:

12 (k) "Cyberbullying" means any form of communication by electronic act
13 that is sent with the purpose to:

14 (1) Harass, intimidate, humiliate, ridicule, defame, or threaten
15 a student, public school employee, or person with whom the other student or
16 public school employee is associated; or

17 (2) Incite violence to a student, public school employee, or
18 person with whom the other student or public school employee is associated.

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20 /s/Gazaway

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23 **APPROVED: 4/15/19**
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