

Introduced by

Senators Marcellais, Heckaman

Representatives S. Kelsh, Trottier

1 A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota  
2 Century Code, relating to criminal acts occurring at school district events or activities; and to  
3 amend and reenact sections 15.1-19-17 and 15.1-19-18 of the North Dakota Century Code,  
4 relating to bullying.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 15.1-19-17 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **15.1-19-17. Bullying - Definition.**

9 As used in sections 15.1-19-17 through 15.1-19-22:

10 1. "Bullying" means:

11 a. Conduct that occurs in a public school, on school district premises, in a district  
12 owned or leased schoolbus or school vehicle, or at any public school or school  
13 district sanctioned or sponsored activity or event and which:

14 (1) Is so severe, pervasive, or objectively offensive that it substantially  
15 interferes with the student's educational opportunities;

16 (2) Places the student in actual and reasonable fear of harm;

17 (3) Places the student in actual and reasonable fear of damage to property of  
18 the student; or

19 (4) Substantially disrupts the orderly operation of the public school; or

20 (5) Substantially disrupts a public school or school district sanctioned or  
21 sponsored activity or event; or

22 b. Conduct that is received by a student while the student is in a public school, on  
23 school district premises, in a district owned or leased schoolbus or school

1 vehicle, or at any public school or school district sanctioned or sponsored activity  
2 or event and which:

- 3 (1) Is so severe, pervasive, or objectively offensive that it substantially  
4 interferes with the student's educational opportunities;  
5 (2) Places the student in actual and reasonable fear of harm;  
6 (3) Places the student in actual and reasonable fear of damage to property of  
7 the student; ~~or~~  
8 (4) Substantially disrupts the orderly operation of the public school; or  
9 (5) Substantially disrupts a public school or school district sanctioned or  
10 sponsored activity or event.

11 2. "Conduct" includes the use of technology or other electronic media.

12 **SECTION 2. AMENDMENT.** Section 15.1-19-18 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **15.1-19-18. Bullying - Prohibition by policy.**

15 1. ~~Before July 1, 2012, each~~Each school district ~~shall adopt~~must have in place a policy  
16 providing that while at a public school, on school district premises, in a district owned  
17 or leased schoolbus or school vehicle, or at any public school or school district  
18 sanctioned or sponsored activity or event, a student may not:

- 19 a. Engage in bullying; or  
20 b. Engage in reprisal or retaliation against:  
21 (1) A victim of bullying;  
22 (2) An individual who witnesses an alleged act of bullying;  
23 (3) An individual who reports an alleged act of bullying; or  
24 (4) An individual who provides information about an alleged act of bullying.

25 2. The policy required by this section must:

- 26 a. Include a definition of bullying that at least encompasses the conduct described  
27 in section 15.1-19-17;  
28 b. Establish procedures for reporting and documenting alleged acts of bullying,  
29 reprisal, or retaliation, and include procedures for anonymous reporting of such  
30 acts;

- 1 c. Establish procedures, including timelines, for school district personnel to follow in  
2 investigating reports of alleged bullying, reprisal, or retaliation;
- 3 d. Establish a schedule for the retention of any documents generated while  
4 investigating reports of alleged bullying, reprisal, or retaliation;
- 5 e. Permit the immediate removal from the premises of a student who is engaged in  
6 bullying or in reprisal or retaliation, as set forth in subsection 1;
- 7 f. Set forth the disciplinary measures applicable to an individual who engaged in  
8 bullying or who engaged in reprisal or retaliation, as set forth in subsection 1, and  
9 include therein the authority to ban the individual from any public school or school  
10 district sanctioned or sponsored activity or event for the duration of the school  
11 year;
- 12 f.g. Require the notification of law enforcement personnel if an investigation by  
13 school district personnel results in a reasonable suspicion that a crime might  
14 have occurred;
- 15 g.h. Establish strategies to protect a victim of bullying, reprisal, or retaliation; and
- 16 h.i. Establish disciplinary measures to be imposed upon an individual who makes a  
17 false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.
- 18 3. In developing the bullying policy required by this section, a school district shall involve  
19 parents, school district employees, volunteers, students, school district administrators,  
20 law enforcement personnel, domestic violence sexual assault organizations as defined  
21 by subsection 3 of section 14-07.1-01, and community representatives.
- 22 4. Upon completion of the policy required by this section, a school district shall:  
23 a. Ensure that the policy is explained to and discussed with its students;  
24 b. File a copy of the policy with the superintendent of public instruction; ~~and~~  
25 c. Make the policy available in student and personnel handbooks; and  
26 Require that a copy of the policy be signed by each student and the student's  
27 parent.
- 28 5. Each school district shall review and revise its policy as it determines necessary and  
29 shall file a copy of the revised policy with the superintendent of public instruction.

1       6. Each school district shall work cooperatively with all private organizations involved in  
2           extracurricular high school activities to ensure the safety and well-being of all students  
3           at any public school or school district sanctioned or sponsored activity or event.

4       **SECTION 3.** A new section to chapter 15.1-19 of the North Dakota Century Code is created  
5 and enacted as follows:

6       **Criminal acts by individuals other than students - Report to law enforcement.**

7       If an individual other than a student is believed to have committed an assault, engaged in  
8 coercion, defamation, harassment, stalking, or terrorizing, or committed any other criminal act,  
9 while in attendance at a public school or school district sanctioned or sponsored activity or  
10 event, school district personnel shall report the act to law enforcement. Any individual who  
11 commits an act listed in this section must be immediately removed from the premises and may  
12 not be permitted to attend any public school or school district sanctioned or sponsored activity  
13 or event for at least the remainder of the school year.