

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H4/1/19

# A Bill

HOUSE BILL 1933

5 By: Representative Gazaway  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE STATE ANTI-BULLYING POLICY; TO  
9 REQUIRE THAT A SCHOOL BOARD MEMBER RECEIVE  
10 INFORMATION REGARDING SCHOOL SAFETY AND STUDENT  
11 DISCIPLINE; TO INCLUDE BULLYING AND CYBERBULLYING  
12 PREVENTION TRAINING WITHIN A PROFESSIONAL DEVELOPMENT  
13 PROGRAM; AND FOR OTHER PURPOSES.  
14  
15

### Subtitle

16 TO AMEND THE ANTI-BULLYING POLICY; TO  
17 REQUIRE A SCHOOL BOARD MEMBER TO RECEIVE  
18 INFORMATION REGARDING SCHOOL SAFETY AND  
19 STUDENT DISCIPLINE; AND TO REQUIRE A  
20 BULLYING AND CYBERBULLYING PREVENTION  
21 PROFESSIONAL DEVELOPMENT PROGRAM.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. DO NOT CODIFY. Legislative findings and intent.  
28 The General Assembly finds that:

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

34 (2) The same 2016 study also reported that about thirty-three  
35 percent (33%) of students who reported being bullied at school indicated that  
36 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~~ 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~~ 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.

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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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