A Bill

FOR AN ACT TO BE ENTITLED
AN ACT TO CLARIFY ARKANSAS’S ANTIBULLYING POLICIES FOR PUBLIC SCHOOL STUDENTS; TO PROTECT STUDENT DIGNITY; AND FOR OTHER PURPOSES.

SUBTITLE
TO CLARIFY ARKANSAS’S ANTIBULLYING POLICIES AND PROTECT STUDENT DIGNITY.

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

SECTION 1. Arkansas Code § 6-18-514 is amended to read as follows:

6-18-514. Antibullying policies.

(a) The General Assembly finds that every public school student in this state has the right to receive his or her public education in a public school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student.

(2) The school board of directors in every public school district shall adopt policies to prevent pupil harassment, also known as bullying.

(b) As used in this subchapter section:

(1) "Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

(2) “Bullying” means the intentional harassment,
intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that causes or creates a clear and present danger of may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

\*(\text{\textit{A}})* Physical harm to a public school employee or student or damage to the public school employee's or student's property;

\*(\text{\textit{B}})* Substantial interference with a student's education or with a public school employee's role in education;

\*(\text{\textit{C}})* A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or

\*(\text{\textit{D}})* Substantial disruption of the orderly operation of the school or educational environment;

\*(\text{\text{\textit{E}}})\text{\textit{F}})* “Electronic act” means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;

\*(\text{\textit{G}})* “Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

\*(\text{\textit{H}})* “Substantial disruption” means without limitation that any one (1) or more of the following occur as a result of the bullying:

\*(\text{\textit{I}})* Necessary cessation of instruction or educational activities;

\*(\text{\textit{J}})* Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

\*(\text{\textit{K}})* Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or

\*(\text{\textit{L}})* Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.
(c) Bullying of a public school student or a public school employee is prohibited.

(d) A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

(e)(1) The board of directors of every school district shall adopt policies to prevent bullying.

   (b)(2) The policies shall:


   (B)(ii) The definition shall include without limitation the definition contained in subsection (a) of this section;

   (2)(B) Prohibit bullying:

   (A)(i) While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or

   (B)(ii)(a) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment.

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

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

   (4)(D) Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying as defined by the district shall report the incident to the principal;

   (5)(E) Require that the person or persons who file a complaint will not be subject to retaliation or reprisal in any form;

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

(7)(G) Require that copies of the notice of what constitutes bullying, that bullying is prohibited, and that the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees. Each policy shall require that a full copy of the policy be made available upon request.

(f) A school district shall provide training on compliance with the antibullying policies to all public school district employees responsible for reporting or investigating bullying under this section.

(g) A school employee who has reported violations under the school district’s policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.

(h) The local school board of directors of a school district may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts covered by this policy.

(i)(1) The school district shall file with the Department of Education a copy of the policies adopted in compliance with this section.

(2) The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the state board determines that the policies need improvement.

(j) This section is not intended to:

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

(2) Unconstitutionally restrict protected rights of freedom of speech, freedom of religious exercise, or freedom of assembly.