

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 892

5 By: Senator D. Johnson  
6 By: Representative Powers  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY ARKANSAS'S ANTIBULLYING POLICIES  
10 FOR PUBLIC SCHOOL STUDENTS; TO PROTECT STUDENT  
11 DIGNITY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO CLARIFY ARKANSAS'S ANTIBULLYING  
16 POLICIES AND PROTECT STUDENT DIGNITY.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 6-18-514 is amended to read as follows:

22 6-18-514. Antibullying policies.

23 (a)~~(1)~~ The General Assembly finds that every public school student in  
24 this state has the right to receive his or her public education in a public  
25 school educational environment that is reasonably free from substantial  
26 intimidation, harassment, or harm or threat of harm by another student.

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

30 ~~(3)~~(b) As used in this ~~subchapter~~ section:

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

36 ~~(A)~~(2) "Bullying" means the intentional harassment,



1 intimidation, humiliation, ridicule, defamation, or threat or incitement of  
 2 violence by a student against another student or public school employee by a  
 3 written, verbal, electronic, or physical act that ~~causes or creates a clear~~  
 4 ~~and present danger of~~ may address an attribute of the other student, public  
 5 school employee, or person with whom the other student or public school  
 6 employee is associated and that causes or creates actual or reasonably  
 7 foreseeable:

8                   ~~(i)~~(A) Physical harm to a public school employee or  
 9 student or damage to the public school employee’s or student’s property;

10                   ~~(ii)~~(B) Substantial interference with a student’s  
 11 education or with a public school employee’s role in education;

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

15                   ~~(iv)~~(D) Substantial disruption of the orderly operation of  
 16 the school or educational environment;

17                   ~~(B)~~(3) “Electronic act” means without limitation a communication  
 18 or image transmitted by means of an electronic device, including without  
 19 limitation a telephone, wireless phone or other wireless communications  
 20 device, computer, or pager;

21                   ~~(C)~~(4) “Harassment” means a pattern of unwelcome verbal or  
 22 physical conduct relating to another person’s constitutionally or statutorily  
 23 protected status that causes, or reasonably should be expected to cause,  
 24 substantial interference with the other’s performance in the school  
 25 environment; and

26                   ~~(D)~~(5) “Substantial disruption” means without limitation that  
 27 any one (1) or more of the following occur as a result of the bullying:

28                   ~~(i)~~(A) Necessary cessation of instruction or educational  
 29 activities;

30                   ~~(ii)~~(B) Inability of students or educational staff to  
 31 focus on learning or function as an educational unit because of a hostile  
 32 environment;

33                   ~~(iii)~~(C) Severe or repetitive disciplinary measures are  
 34 needed in the classroom or during educational activities; or

35                   ~~(iv)~~(D) Exhibition of other behaviors by students or  
 36 educational staff that substantially interfere with the learning environment.

1 (c) Bullying of a public school student or a public school employee is  
 2 prohibited.

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

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

9 ~~(b)(2)~~ The policies shall:

10 ~~(1)(A)(i)~~ Clearly define conduct that constitutes  
 11 bullying.

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

14 ~~(2)(B)~~ Prohibit bullying:

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

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

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

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

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

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

35 ~~(6)(F)~~ Require that notice of what constitutes bullying,  
 36 that bullying is prohibited, and that the consequences of engaging in

1 bullying be conspicuously posted in every classroom, cafeteria, restroom,  
2 gymnasium, auditorium, and school bus in the district; and

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

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

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

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

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

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

24 (j) This section is not intended to:

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

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

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