

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

# A Bill

HOUSE BILL 1003

5 By: Representative Gazaway  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE STATE ANTIBULLYING POLICY; TO  
9 REQUIRE THAT A SCHOOL BOARD MEMBER RECEIVE BULLYING  
10 AND CYBERBULLYING PREVENTION TRAINING; TO INCLUDE  
11 BULLYING AND CYBERBULLYING PREVENTION TRAINING WITHIN  
12 A PROFESSIONAL DEVELOPMENT PROGRAM; TO CREATE THE  
13 POSITIONS OF SCHOOL ANTIBULLYING SPECIALIST AND  
14 DISTRICT ANTIBULLYING COORDINATOR; TO ESTABLISH A  
15 WEEK OF KINDNESS; AND FOR OTHER PURPOSES.  
16  
17

## Subtitle

18 TO AMEND THE ANTIBULLYING POLICY; TO  
19 REQUIRE ANTIBULLYING TRAINING; TO CREATE  
20 THE POSITIONS OF ANTIBULLYING SPECIALIST  
21 AND DISTRICT ANTIBULLYING COORDINATOR;  
22 AND TO ESTABLISH A WEEK OF KINDNESS.  
23  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. LEGISLATIVE INTENT. DO NOT CODIFY.

29 The General Assembly finds that:

30 (1) A 2016 study, "Indicators of School Crime and Safety,"  
31 published by the United States Department of Justice and the United States  
32 Department of Education, reported that twenty-one percent (21%) of students  
33 twelve (12) through eighteen (18) years of age were injured as a result of  
34 bullying in the previous school year. The study also reported that about  
35 thirty-three percent (33%) of students who reported being bullied at school  
36 indicated that they were bullied at least once or twice a month during the



1 school year;

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

6 (3) The chronic persistence of school bullying has led to  
7 instances of student suicides across the country, including Arkansas;

8 (4) Significant research has emerged since Arkansas enacted its  
9 public school antibullying statutes in 2003 and its cyberbullying law in  
10 2011;

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

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

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

23 (9) In keeping with the goal of fiscal responsibility and in an  
24 effort to minimize any burden placed on schools and school districts,  
25 existing personnel and resources shall be utilized in every possible instance  
26 to accomplish the goals of increased prevention, reporting, investigation,  
27 and responsiveness to incidents of bullying, including without limitation the  
28 appointment of school antibullying specialists and district antibullying  
29 coordinators; and

30 (10) By strengthening standards for preventing, reporting,  
31 investigating, and responding to incidents of bullying, this act will help to  
32 reduce the risk of suicide among students and avert not only the needless  
33 loss of a young life, but also the tragedy that such loss represents to the  
34 student's family and the community-at-large.

35  
36 SECTION 2. Arkansas Code § 6-13-629(a)(3)(A), concerning the training

1 and instruction of school board members, is amended to read as follows:

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

4 (i) ~~topics~~ Topics relevant to school laws, and  
5 school operations, ~~and~~

6 (ii) ~~the~~ The powers, duties, and responsibilities of  
7 the members of the board of directors, including without limitation:

8 ~~(i)(a)~~ (a) Legal requirements, including without  
9 limitation:

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

12 ~~(b)(2)~~ (2) Other financial laws or regulations  
13 designated by the Department of Education;

14 ~~(ii)(b)~~ (b) Role differentiation;

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

17 ~~(iv)(d)~~ (d) Improving student achievement, ~~and~~

18 (iii)(a) A program on bullying as defined in § 6-18-  
19 514 in schools and the relationship bullying has to student suicide rates.

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

22  
23 SECTION 3. Arkansas Code § 6-17-708 is amended to read as follows:

24 6-17-708. Teen suicide awareness and bullying prevention professional  
25 development.

26 (a)(1) The Department of Education shall require two (2) hours of  
27 professional development in teen suicide awareness and prevention for  
28 licensed public school personnel ~~according to the professional development~~  
29 ~~schedule under § 6-17-709~~ per year.

30 (2) The professional development under this section:

31 (A) may May be accomplished through self-review of  
32 suitable suicide prevention materials approved by the department, ~~and~~

33 (B) Shall include information on the relationship between  
34 the risk of suicide and incidents of bullying.

35 (b) The professional development under this section shall count toward  
36 the satisfaction of requirements for professional development in the

1 Standards for Accreditation of Arkansas Public Schools and School Districts  
 2 and for licensure requirements for licensed personnel.

3 (c)(1) In addition to the professional development requirement under  
 4 (a)(2) of this section, the department shall develop a guidance document for  
 5 use by parents and legal guardians, students, and school districts to assist  
 6 in resolving complaints concerning student bullying behaviors.

7 (2) The guidance document shall include:

8 (A) A school district’s obligations under § 6-18-514;

9 (B) Best practices for the prevention, reporting,  
 10 investigation, and response to bullying in schools, including without  
 11 limitation methods to identify and assist student populations at a higher  
 12 risk for bullying; and

13 (C) A clear explanation of the:

14 (i) Procedures for petitioning the Commissioner of  
 15 Education to hear and decide incidents under § 6-18-514; and

16 (ii) Process for appealing final agency  
 17 determinations to the circuit court of the county in which the school  
 18 district is located.

19  
 20 SECTION 4. Arkansas Code § 6-18-514(b)(2)-(5), concerning antibullying  
 21 policies in public schools, is amended to read as follows:

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

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

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

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

36 ~~(D)(iv)~~ Substantial disruption of the orderly operation of

1 the school or educational environment+.

2 (B) "Bullying" includes cyberbullying as defined in this  
3 section;

4 (3) "Cyberbullying" means any form of communication by  
5 electronic act that is sent with the purpose to harass, intimidate,  
6 humiliate, ridicule, defame, or threaten or incite violence to a student,  
7 public school employee, or person with whom the other student or public  
8 school employee is associated;

9 ~~(3)~~(4) "Electronic act" means without limitation a communication  
10 or image transmitted by means of an electronic device, including without  
11 limitation a telephone, wireless phone or other wireless communications  
12 device, computer, or pager;

13 ~~(4)~~(5) "Harassment" means a pattern of unwelcome verbal or  
14 physical conduct relating to another person's constitutionally or statutorily  
15 protected status that causes, or reasonably should be expected to cause,  
16 substantial interference with the other's performance in the school  
17 environment; ~~and~~

18 (6) "School personnel" means any individual employed by a school  
19 district who maintains regular contact with students, including without  
20 limitation:

21 (A) A teacher;

22 (B) A paraprofessional;

23 (C) An administrator;

24 (D) A member of the support staff;

25 (E) A bus driver;

26 (F) A cafeteria worker; and

27 (G) Any other school employee or individual contracted  
28 with a school district who regularly interacts with students; and

29 ~~(5)~~(7) "Substantial disruption" means without limitation that  
30 any one (1) or more of the following occur as a result of the bullying:

31 (A) Necessary cessation of instruction or educational  
32 activities;

33 (B) Inability of students or educational staff to focus on  
34 learning or function as an educational unit because of a hostile environment;

35 (C) Severe or repetitive disciplinary measures are needed  
36 in the classroom or during educational activities; or

1 (D) Exhibition of other behaviors by students or  
 2 educational staff that substantially interfere with the learning environment.

3  
 4 SECTION 4. Arkansas Code § 6-18-514(d)-(j), concerning antibullying  
 5 policies in public schools, is amended to read as follows:

6 (d) A school principal or his or her designee who receives a credible  
 7 report or complaint of bullying shall:

8 (1) On the same day, report to a student's parent or legal  
 9 guardian any credible complaint or report that the student is:

10 (A) Alleged to be the victim of a bullying incident; or

11 (B) Accused of being a perpetrator of a bullying incident;

12 (2) promptly Promptly:

13 (A)(i) investigate Investigate the complaint or report in  
 14 collaboration with the school antibullying specialist as provided under § 6-  
 15 18-517.

16 (ii)(a) The investigation shall be completed as soon  
 17 as possible, but not later than ten (10) school days from the date of the  
 18 written report of the alleged incident of bullying.

19 (b) In the event that there is information  
 20 relative to the investigation that is anticipated but not yet received by the  
 21 end of the ten-day period, the school principal and antibullying specialist  
 22 may amend the original report of the results of the investigation to reflect  
 23 the information.

24 (c)(1) The results of the investigation shall  
 25 be reported to the school district superintendent within two (2) school days  
 26 of the completion of the investigation.

27 (2) The school district superintendent  
 28 may decide to:

29 (A) Provide intervention services;

30 (B) Establish training programs to  
 31 reduce bullying;

32 (C) Impose discipline;

33 (D) Order counseling; or

34 (E) Take or recommend other  
 35 appropriate action.

36 (d) The results of each investigation of a

1 bullying incident shall be reported to the school district board of directors  
2 no later than the date of the next school district board of directors meeting  
3 following the completion of the investigation, along with any services  
4 provided, training established, discipline imposed, or other action taken or  
5 recommended by the school district superintendent.

6 (iii) A parent or legal guardian of a student who is  
7 a party to the investigation:

8 (a) Is entitled within five (5) school days  
9 after the results of the investigation are reported to the school district  
10 board of directors, and in accordance with federal and state law, to receive  
11 information about the investigation including without limitation:

12 (1) The nature of the investigation;

13 (2) Whether the school district found  
14 evidence of bullying;

15 (3) The nature of the discipline imposed  
16 or services provided to address the incident of bullying; and

17 (4) Copies of all written reports  
18 involved in the investigation; and

19 (b)(1) May request a hearing before the school  
20 district board of directors after receiving the results of the investigation.

21 (2) The hearing shall be held within  
22 forty-five (45) days of the parent or legal guardian's request.

23 (3) The school district board of  
24 directors:

25 (A) Shall meet in executive  
26 session for the hearing to protect the confidentiality of the students;

27 (B) May hear:

28 (i) From the school  
29 antibullying specialist about the incident;

30 (ii) Recommendations for  
31 discipline or services and any programs instituted to reduce incidents of  
32 bullying; and

33 (iii) From any student  
34 involved in the bullying incident, any material witnesses to the bullying  
35 incident, a parent or legal guardian of a student involved in the bullying  
36 incident, or any attorney or other designated representative of any involved

1 party.

2 (4)(A) At the next school district board  
 3 of directors meeting following the receipt of the report of the investigation  
 4 of a bullying incident, the school district board of directors shall issue a  
 5 written decision to affirm, reject, or modify the superintendent's decision.

6 (B) The school district board of  
 7 directors' decision may be appealed to the Commissioner of Education no later  
 8 than thirty (30) days after the issuance of the school district board of  
 9 directors' decision.

10 (B)(i) ~~and make~~ Make a written record of the investigation  
 11 and any action taken as a result of the investigation.

12 (ii) The written record of the investigation shall  
 13 include a detailed description of the alleged bullying event, including  
 14 without limitation a statement from all material witnesses to the event;

15 (C) Discuss, as appropriate, the availability of  
 16 counseling and other intervention services; and

17 (D) Notify the school district superintendent of the  
 18 action taken regarding the bullying incident.

19 (e)(1) Two (2) times each school year, between September 1 and January  
 20 1 and between January 1 and June 30, the superintendent of the school  
 21 district shall report to the school district board of directors at a public  
 22 hearing all acts of bullying that occurred during the previous preceding  
 23 period. The report shall include without limitation the:

24 (A) Number of reports of bullying;

25 (B) Status of all investigations of bullying;

26 (C) Nature of the bullying incident;

27 (D) Names of the investigators;

28 (E) Type and nature of any discipline imposed on any  
 29 student involved in an incident of bullying; and

30 (F) Other measures imposed, training conducted, or  
 31 programs implemented, if any, to reduce bullying incidents.

32 (2)(A) The information reported by the school district  
 33 superintendent to the school district board of directors shall be reported  
 34 once during each reporting period to the Department of Education.

35 (B) The report shall include data from each school in the  
 36 district and district-wide data.



1                   (C) The report shall not improperly release any  
2 confidential information not authorized for public release by federal or  
3 state law.

4                   (3) The report required under this subdivision (e)(1) of this  
5 section shall be:

6                   (A)(i) Used by the department to grade each school  
7 district for purposes of assessing the school district's effort to implement  
8 policies and programs consistent with this section.

9                   (ii) The school district shall receive a grade  
10 determined by averaging the grades of all schools in the district.

11                   (iii) The Commissioner of Education shall promulgate  
12 rules concerning a program to grade schools.

13                   (iv) The school and school district grade shall be:

14                   (a) Posted on the homepage of the school and  
15 school district website within ten (10) days of the receipt of the grade by  
16 the school and the school district; and

17                   (b) Linked to the school district's website;  
18 and

19                   (B)(i) Included as part of the department's monitoring of  
20 a school district.

21                   (ii) The State Board of Education shall adopt rules  
22 that impose a penalty on a school personnel member who knowingly falsifies  
23 the report as required under this subsection.

24                   (f)(1) The commissioner shall each year submit a report to the House  
25 Committee on Education and Senate Committee on Education detailing the extent  
26 of bullying in public schools and making recommendations to alleviate the  
27 problem.

28                   (2) The report shall be:

29                   (A) Made available annually to the public; and

30                   (B) Posted on the department website.

31                   (g)(1) A school personnel member who observes or has direct knowledge  
32 from a participant or victim of an act of bullying shall file a written  
33 report describing the incident to the school principal in a manner prescribed  
34 by the antibullying policy.

35                   (2) A copy of the written report shall be sent to the school  
36 district superintendent.

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

3               (2) The policies shall:

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

5                               (ii) The definition shall include without limitation  
6 the definition contained in subsection (b) of this section;

7                       (B) Prohibit bullying:

8                               (i) While in school, on school equipment or  
9 property, in school vehicles, on school buses, at designated school bus  
10 stops, at school-sponsored activities, or at school-sanctioned events, and  
11 off of school grounds when the school district employee is made aware of an  
12 alleged incident off of school grounds; or

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

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

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

24                       (D) Require that a ~~school-employee~~ school personnel member  
25 who has witnessed or has reliable information that a pupil has been a victim  
26 of bullying as defined by the district shall report the incident to the  
27 principal as soon as possible;

28                       (E) Require that ~~the~~ any person ~~or persons~~ who ~~file~~ files  
29 a report or makes a complaint of bullying will not be subject to retaliation  
30 or reprisal in any form;

31                       (F) Include consequences for a person found to have  
32 falsely accused another as a means of retaliation or as a means of bullying;

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

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

6           (I) Require that, as soon as practicable, a school  
7 principal or his or her designee report to a student's parent or legal  
8 guardian any credible complaint or report of a student who is involved in a  
9 bullying incident, whether a student is the victim or perpetrator of the  
10 alleged bullying;

11           (J) Include a:

12                   (i) Statement of how the policy is to be publicized;  
13 and

14                   (ii) Link to the policy on the home page of the  
15 school district's website;

16           (K)(i) Identify the role of the school antibullying  
17 specialist and district antibullying coordinator as provided under § 6-18-  
18 517.

19                   (ii) The name, school phone number, school address,  
20 and school email address of the school antibullying specialist and district  
21 antibullying coordinator shall be listed on the home page of the school  
22 district's website;

23           (L) Describe the required standard of conduct and behavior  
24 expected from each student; and

25           (M) List the range of ways in which a school will respond  
26 once an incident of bullying is identified, including an appropriate  
27 combination of counseling, support services, intervention services, and other  
28 programs as defined by the department.

29           (3) A notice of the school district's policy shall appear in  
30 any:

31                   (A) Publication of the school district that sets forth the  
32 comprehensive rules, procedures, and standards of conduct for schools within  
33 the school district; and

34                   (B) Student handbook.

35           (4) The school district shall, to the extent required, annually  
36 conduct a reevaluation, reassessment, and review of its antibullying policy

1 and make any necessary revisions and additions.

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

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

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

12 ~~(i)~~(l) The school district shall provide the Department of Education  
13 with the website address at which a copy of the policies adopted in  
14 compliance with this section may be found.

15 ~~(j)~~(m) This section is not intended to:

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

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

22 (3) Affect the provisions of any collective bargaining agreement  
23 or individual contract of employment in effect on the effective date of this  
24 subdivision; or

25 (4) Alter or reduce the rights of a student with a disability  
26 with regard to disciplinary actions or to general or special educational  
27 services and supports.

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

30 (2) In the case of a faith-based nonpublic school, no provision  
31 of this section shall be interpreted to prohibit or abridge the legitimate  
32 statement, expression, or free exercise of the beliefs or tenets of that  
33 faith by the religious organization operating the school or by the school's  
34 faculty, staff, or student body.

35  
36 SECTION 5. Arkansas Code Title 6, Chapter 18, Subchapter 5, is amended

1 to add an additional section to read as follows:

2 6-18-517. School antibullying specialist – District antibullying  
3 Coordinator.

4 (a)(1) The principal in each school in a school district shall appoint  
5 a school antibullying specialist.

6 (2) The school antibullying specialist shall:

7 (A) Lead the investigation of incidents of bullying in the  
8 school; and

9 (B) Act as the primary school official responsible for  
10 preventing, identifying, and addressing incidents bullying in the school.

11 (3)(A) When a school guidance counselor, school psychologist, or  
12 other individual similarly trained is currently employed in the school, the  
13 principal shall appoint that individual to be the antibullying specialist.

14 (B) If no individual meeting this criteria is currently  
15 employed in the school, the principal shall appoint a school antibullying  
16 specialist from currently employed school personnel.

17 (b)(1) The superintendent of schools shall appoint a district  
18 antibullying coordinator.

19 (2) The district antibullying coordinator shall:

20 (A) Be responsible for coordinating and improving the  
21 school district's policies to prevent, identify, and address bullying of  
22 students;

23 (B) Collaborate with school antibullying specialists in  
24 the district, the school district board of directors, and the superintendent  
25 of schools to prevent, identify, and address harassment, intimidation, and  
26 bullying of students in the district;

27 (C) Provide data, in collaboration with the superintendent  
28 of schools, to the Department of Education regarding bullying of students;  
29 and

30 (D) Execute such other duties related to school  
31 harassment, intimidation, and bullying as requested by the superintendent of  
32 schools.

33 (3) The superintendent shall make every effort to appoint an  
34 employee of the school district to the position of district antibullying  
35 coordinator.

36 (c) The district antibullying coordinator shall meet at least two (2)

1 times each year with the school antibullying specialists in the district to  
2 discuss and strengthen procedures and policies to prevent, identify, and  
3 address harassment, intimidation, and bullying in the district.

4 (d)(1) The Commissioner of Education, in consultation with recognized  
5 experts in school bullying from a cross section of academia, child advocacy  
6 organizations, nonprofit organizations, professional associations, and  
7 government agencies, shall establish in-service workshops and training  
8 programs to train selected individuals to act as district antibullying  
9 coordinators and school antibullying specialists in accordance with this  
10 section.

11 (2) The commissioner shall seek to make the workshops and  
12 training programs available and administered online through the Department of  
13 Education's website or other existing online resources.

14 (3) Upon completion of the initial in-service workshop and  
15 training program, the commissioner shall ensure that the program reflects the  
16 most current information on bullying in schools and is prepared and made  
17 available to district antibullying coordinators and school antibullying  
18 specialists at regular intervals.

19  
20 SECTION 6. Arkansas Code Title 6, Chapter 18, Subchapter 5, is amended  
21 to add an additional section to read as follows:

22 6-18-418. Week of Kindness – Designated.

23 (a) The week beginning with the first Monday in October of each year  
24 is designated as the "Week of Kindness" in the State of Arkansas.

25 (b)(1) School districts, in order to recognize the importance of  
26 character education, shall observe the week by providing age-appropriate  
27 instruction focusing on promoting kindness and preventing bullying as defined  
28 in § 6-18-514.

29 (2) Throughout the school year, the school district shall  
30 provide ongoing, age-appropriate instruction on promoting kindness and  
31 preventing bullying.

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36