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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 192

01/28/2013 Authored by Drazkowski; Benson, M.; Lohmer; O'Neill and Beard
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; establishing a state policy to protect students from bullying;
1.3 proposing coding for new law in Minnesota Statutes, chapter 121A; repealing
1.4 Minnesota Statutes 2012, section 121A.0695.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[121A.07] PROHIBITING BULLYING IN SCHOOLS.**

1.7 Subdivision 1. Policy to prohibit bullying. (a) School districts, in collaboration
1.8 with interested community members, must adopt and implement a policy under this
1.9 section to prohibit bullying and other conduct that materially disrupts a student's learning
1.10 environment. The policy must prohibit bullying and other such conduct on school
1.11 premises, during a school-sponsored event or activity at any location, while students are
1.12 being transported by or on behalf of the district, and while students are using information
1.13 technology, communication devices, or other technology to communicate or to access the
1.14 Internet, regardless of location. The policy must contain the definition of bullying under
1.15 subdivision 2.

1.16 (b) The policy must establish appropriate procedures to:

1.17 (1) proactively address bullying and other prohibited conduct;

1.18 (2) report alleged bullying to designated school personnel;

1.19 (3) investigate reports of alleged bullying;

1.20 (4) notify the parent when school personnel determine the parent's student was
1.21 bullying or bullied;

1.22 (5) discipline a student who bullied another student and provide support to a student
1.23 who was bullied; and

2.1 (6) protect information in an investigative report, consistent with paragraph (e)
 2.2 and section 13.32 and related law.

2.3 (c) Districts must apply the policy uniformly to all students.

2.4 (d) The policy must specifically require that nothing infringe upon a student's first
 2.5 amendment rights or prohibit a student from expressing a religious, philosophical, moral,
 2.6 or political viewpoint to the extent the student's expression does not materially disrupt
 2.7 the learning environment.

2.8 (e) Investigative and disciplinary information under this section are private data on
 2.9 individuals but such information may be reported to law enforcement agencies, including
 2.10 the juvenile justice system, if the reporter reasonably believes the prohibited conduct
 2.11 violates Minnesota's criminal code.

2.12 (f) Consistent with section 121A.55, paragraph (a), districts at least annually must
 2.13 provide students, school personnel, and parents with a copy of the antibullying policy
 2.14 in an electronic or paper format sufficient to give each person notice and also post an
 2.15 electronic copy of the policy on the district's official Web site.

2.16 Subd. 2. **Definition of bullying.** For purposes of this section, "bullying" means
 2.17 severe or persistent conduct by a student or group of students against another student
 2.18 that causes the student physical harm or emotional distress and which school personnel
 2.19 determine will materially disrupt the student's learning environment. Bullying also
 2.20 includes student speech, whether oral, written, or electronic, if, according to school
 2.21 personnel, it is lewd, indecent, or obscene; advocates illegal conduct; involves use of
 2.22 threatening words; or will materially disrupt the learning environment.

2.23 Subd. 3. **Retaliation and intentionally false reports.** (a) Retaliation is prohibited
 2.24 against a person who, in good faith, reports bullying or is thought to have reported bullying,
 2.25 or participates in a bullying investigation. Reports of alleged retaliation are subject to the
 2.26 same procedures under subdivision 1, paragraph (b), as reports of alleged bullying.

2.27 (b) Making intentionally false reports about bullying is prohibited and must be a
 2.28 cause for discipline.

2.29 Subd. 4. **Interpretation and application.** District personnel who comply in good
 2.30 faith with the provisions of this section are immune from civil or criminal liability that
 2.31 might otherwise result from their actions.

2.32 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
 2.33 later.

2.34 Sec. 2. **REPEALER.**

2.35 Minnesota Statutes 2012, section 121A.0695, is repealed.

3.1 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
3.2 later.

121A.0695 SCHOOL BOARD POLICY; PROHIBITING INTIMIDATION AND BULLYING.

Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use.