



Safe and Supportive Schools (HF 826, SF 783)

Outline of Requirements as of April 22, 2013

The following are the salient provisions of the Safe and Supportive Schools bills which are included in the Omnibus Education Bills HF 630 and SF 978 (Excerpted from the House Research Summary of HF 826 4th Engrossment)

Definitions. Defines bullying to mean words, images, or actions between individuals or through technology that have the effect of materially interfering with students' ability to participate in a safe and supportive learning environment. Includes as examples of bullying conduct:

- (1) placing an individual in fear of harm;
- (2) having a detrimental effect on a student's physical, social, or emotional health;
- (3) interfering with a student's educational performance or ability to participate in educational opportunities;
- (4) encouraging a student's exclusion;
- (5) creating or exacerbating a power imbalance between students;
- (6) violating students' reasonable expectation of privacy; or
- (7) relating to actual or perceived student characteristics listed under the definition of prohibited conduct.
- (8) Defines cyberbullying to mean bullying conduct using technology or other electronic communications.

Requires School Districts to adopt and disseminate a policy in the following manner:

- (1) apply to all students, school personnel, and volunteers;
- (2) specifically name the characteristics listed in the definition of prohibited conduct;
- (3) emphasize remediation over punishment;
- (4) emphasize parent involvement;
- (5) post the policy in the school;
- (6) give each school employee and contractor, if the contractor regularly interacts with student, a copy of the policy;
- (7) to be included in the student handbook;
- (8) to be available in accessible languages and format on the district or school Web site, and
- (9) submit an electronic copy of its policy to the education commissioner.

Requires the following actions on the part of each district and school:

- (1) discuss the policy with students, school personnel, and volunteers and provide training for all school personnel and volunteers.
- (2) designate a primary contact person to receive formal complaints, ensure restorative practices are part of the policy and its procedures and consequences and sanctions are fairly and fully implemented, and serve as primary contact with the education department;
- (3) require school employees and trained volunteers who witness prohibited conduct or possess reliable information that a student is a target of prohibited conduct to make

- reasonable efforts to address and resolve the prohibited conduct to the extent it does not materially disrupt the education process;
- (4) where prohibited conduct appears to materially disrupt the education process, provide a procedure to investigate a report of prohibited conduct within three days and make the primary contact person responsible for the investigation and any resulting record and for keeping and regulating access to records;
 - (5) indicate how a district or school will respond to incidents of prohibited conduct, including intervening to protect the target of the prohibited conduct; at the school administrator's discretion, giving notice to parents or law enforcement officials and consistent with data practices law and the emphasis on parent involvement; providing other remedial responses; and ensuring remedial responses are appropriate to the incident and nature of the conduct and the student's developmental age and behavioral history;
 - (6) prohibit reprisals or retaliation for reporting prohibited conduct and establish appropriate consequences for reprisals and retaliation;
 - (7) allow anonymous reporting but do not rely on it exclusively to determine discipline;
 - (8) provide information about available community resources to implicated and affected persons;
 - (9) where appropriate to prevent or respond to prohibited conduct, require a child's individualized education program or section 504 plan to address the skills and proficiencies the child needs to respond to or not engage in prohibited conduct;
 - (10) use employee training materials, school publications, and the student handbook to publicize the policy;
 - (11) require annual collecting, reporting, and analysis of summary data on prohibited conduct and remedial responses; and
 - (12) require ongoing professional development for all school personnel and volunteers to identify, prevent, and address prohibited conduct.

Encourages districts and schools to provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; value diversity; foster students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students, school personnel, and parents.

Establishes at MDE the School Climate Center to assist a district or school, upon request, in implementing the required policies and actions both required and encouraged under this bill.