State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

479T0491

SENATE BILL NO. 130

Introduced by: Senators Lederman, Adelstein, Gray, Schlekeway, and Sutton and Representative Sly

FOR AN ACT ENTITLED, An Act to require the school board of each school district to adopt a policy prohibiting bullying.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Bullying is the causing of physical hurt or psychological distress on one or more students that may involve threat; intimidation; stalking, as defined in chapter 22-19A; physical violence; theft; destruction of property; or any written or verbal communication or conduct directed against a student that:

(1) Places a student in reasonable fear of harm to his or her person or damage to his or her property;

(2) Substantially interferes with a student's educational performance; or

(3) Substantially disrupts the orderly operation of a school.

For the purposes of this Act, the definition of bullying also includes retaliation against a student by another student for asserting or alleging an act of bullying, and includes the reporting of an act of bullying that is not made in good faith.

Section 2. The school board of each school district shall, by December 1, 2012, adopt a

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

school district policy prohibiting bullying. If the school district already has such a policy in place, the school board shall review and, if necessary, revise the policy so that it meets the requirements of this Act by the deadline.

Section 3. Each school district policy developed pursuant to this Act shall contain the following provisions:

(1) A statement prohibiting bullying, and a definition of bullying that includes the definition listed in section 1 of this Act;

(2) The consequences for a student of the school district who commits an act of bullying;

(3) A procedure for reporting an act of bullying, including provisions that permit a person to anonymously report such an act, although formal disciplinary action may not be based solely on an anonymous report;

(4) A procedure for the prompt investigation and response to any report of bullying, including any alleged incident of bullying committed against a child while the child is aboard a school bus or at a school-sponsored event; and

(5) A statement that all students are protected with no mention of any protected classes of students.