STUDENT SAFETY, DISCIPLINE & BULLYING
ACT 1029 TRAINING FOR BOARD MEMBERS
INTENT OF THE ACT

The stated intent of the General Assembly in enacting this legislation was: to strengthen the standards and procedures for preventing, reporting, investigating, and responding to incidents of bullying of students that occur on and off school property.

Act 1029 of 2019, § 1(7)
ADVERSE EFFECTS OF BULLYING

▪ “Kids who are bullied can experience negative physical, school, and mental health issues. Kids who are bullied are more likely to experience:

▪ Depression and anxiety, increased feelings of sadness and loneliness, changes in sleep and eating patterns, and loss of interest in activities they used to enjoy. These issues may persist into adulthood.

▪ Health complaints

▪ Decreased academic achievement—GPA and standardized test scores—and school participation. They are more likely to miss, skip, or drop out of school.

▪ A very small number of bullied children might retaliate through extremely violent measures. In 12 of 15 school shooting cases in the 1990s, the shooters had a history of being bullied.”

FOR THOSE WHO BULLY . . .

- “Kids who bully others can also engage in violent and other risky behaviors into adulthood.
- Kids who bully are more likely to:
  - Abuse alcohol and other drugs in adolescence and as adults
  - Get into fights, vandalize property, and drop out of school
  - Engage in early sexual activity
  - Have criminal convictions and traffic citations as adults
  - Be abusive toward their romantic partners, spouses, or children as adults.”

EFFECTS ON BYSTANDERS

▪ “Kids who witness bullying are more likely to:
▪ Have increased use of tobacco, alcohol, or other drugs
▪ Have increased mental health problems, including depression and anxiety
▪ Miss or skip school.”

MORE ABOUT THE INTENT OF THE ACT

By strengthening the standards and procedures for the prevention, reporting, and investigation of and the response to incidents of bullying, it is the intent of the General Assembly to reduce the risk of suicide among students and avert not only the needless loss of a young life but also the tragedy that such loss causes a student’s family and the community at large.

Act 1029 of 2019, § 1(9)
REQUIREMENTS OF THE ACT

TRAINING to address school safety and student discipline

- Training for board members only one (1) time. ASBA model policy 1.11 says that all board members elected in or before 2019 would have to receive it by December 31 of 2020 and all board members elected after 2019 would receive it as part of their initial nine hours of required training.

- School personnel must have two (2) hours of professional development to cover the requirements of Act 1029. This doesn’t include board members.
  - Bullying prevention
  - Recognition of the relationship between incidents of bullying and the risk of suicide.
“[T]he department shall develop a GUIDANCE DOCUMENT for use by parents and legal guardians, students, and public school districts to assist in resolving complaints concerning student bullying behaviors.”

It must include clear definitions with examples. This public document can be found at:


Act 1029 of 2019, § 3; codified at Ark. Code Ann. § 6-17-711(c)(1)
The physical, social, and emotional well-being of students can be impacted by unwanted aggressive behavior or bullying.

In accordance with A.C.A. § 6-18-514, all public school students have the right to receive their education in an environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student, in person or by electronic means.
Act 1029 – This act amends previous anti-bullying legislation and addresses anti-bullying continuing education, notice procedures and reporting requirements.

Guidance in Addressing School Bullying

The Arkansas Division of Elementary and Secondary Education (DESE) developed the following guidance on bullying prevention, as required by Act 1029 in consultation with state agencies, school personnel, advocacy organizations, and other interested parties to support public school districts and public charter schools in addressing the issue of school bullying.

> **DESE Bullying Prevention Guidance**

Download the Bullying Prevention Roles Visual (PDF) or click on the image below.
Guidance on Bullying Prevention

Arkansas Department of Education
Division of Elementary & Secondary Education
Four Capitol Mall Little Rock, Arkansas 72201
GUIDANCE DOCUMENT

The guidance document must include:

(1) a public school district’s obligations under § 6-18-514;

(2) best practices for the prevention, reporting, and investigation of and the response to bullying in public schools; and

(3) a clear definition of bullying that provides examples regarding conduct that does and does not constitute bullying.

The guidance document must be provided to licensed public school personnel as part of the professional development training.

Act 1029 of 2019, § 3; codified at Ark. Code Ann. § 6-17-711(c)(2)–(3)
Requirements of the Act (Continued)

- School board shall adopt policies to prevent bullying
- The superintendent shall annually report data regarding the discipline in their district
- The school principal or designee, shall report, investigate, and respond to incidents of bullying

Ark. Code Ann. § 6-18-514 (d)
THERE ARE NEW INVESTIGATION REQUIREMENTS

- Greatly expands investigation and reporting requirements for principals:

- (Formerly) “A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.”

NEW INVESTIGATION REQUIREMENTS (CONTINUED)

(Now)

“If an alleged incident of bullying occurs during school hours, a public school principal or his or her designee who receives a credible report or complaint of bullying shall: …"

[and then states a substantial list of obligations]

Act 1029 of 2019, § 5; codified at Ark. Code Ann. § 6-18-514(d)
SOME OF THESE NEW REQUIREMENTS

A principal (or their designee) must:

▪ Report to the alleged victim’s parent or guardian that the child is the victim in a credible report or complaint of bullying;

▪ Prepare a “written report” as soon as reasonably practicable;

▪ Complete an investigation as soon as possible, and not later than 5 school days from the date of the written report;
A principal (or their designee) must:

- Notify the parent or guardian of the student who is determined to have been the perpetrator upon the completion of the investigation; (ASBA model policy includes victim here too)

- Make a “written record” of the investigation and any action taken, including a detailed description of the alleged incident and a detailed summary of the statements from all material witnesses to the alleged incident;

- Discuss, as appropriate, the availability of counseling and other intervention services with students involved.
NEW REPORTING REQUIREMENTS TO THE SCHOOL BOARD

New reporting requirement for the superintendent:

“One time each school year, the superintendent of a public school district shall report to the public school district board of directors at a public hearing data regarding discipline in the public school district, including without limitation the number of incidents of bullying reported and the actions taken regarding the reported incidents of bullying.”

Act 1029 of 2019, § 5; codified as Ark. Code Ann. § 6-18-514(e)
SCHOOL-BOARD ANTI-BULLYING POLICY

Mandatory changes to the required school-board policy on bullying. Some examples:

- A school employee who has witnessed or has reliable information that a pupil has been a victim of bullying shall report the incident to the principal as soon as possible. (Formerly there was no statutory reporting deadline.)

- The notice of what constitutes bullying must now be provided annually, and must be provided to legal guardians in addition to the other mandatory recipients.

SCHOOL-BOARD ANTI-BULLYING POLICY

The required school-board policy on bullying must now also:

“Describe the procedures for reporting an incident of bullying and the steps school employees may take in order to address a report of an alleged incident of bullying.”

A notice of the district’s policies on bullying must now appear in two additional places:

- Any publication of the district that sets forth the comprehensive rules, procedures, and standards of conduct for public schools within the district; and

- Any student handbook

Another new requirement is that the district must, “to the extent required,” **annually reevaluate its policies** regarding the prohibition of bullying and make any necessary revisions and additions.

KEY STATUTORY TERMS WITHIN ACT 1029
“BULLYING”

... the intentional harassment, intimidation, humiliation, ridicule, defamations, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

(i) Physical harm to a public school employee or student or damage to the public school employee's or student's property;

(ii) Substantial interference with a student's education or with a public school employee’s role in education;

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

(iv) Substantial disruption of the orderly operation of the public school or educational environment.
“SUBSTANTIAL DISRUPTION”

- **Substantial Disruption** “means without limitation that any one or more of the following occur as a result of the bullying”:

  - Necessary cessation of instruction or educational activities;
  - Inability of students or educational staff to focus on learning or function as an education unit because of a hostile environment;
  - Severe or repetitive disciplinary measures are needed in the classroom or during educational activities;
  - Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Ark. Code Ann. § 6-18-514(b)(5)
ANALYZING IT: WHAT IS BULLYING?

▪ Bullying is intentional.

▪ Bullying is initiated by a student and is directed toward:
  ○ Another student; or
  ○ A public school employee.

▪ Bullying involves using harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence.

▪ Bullying is in the form of a written, verbal, electronic, or physical act.

▪ Bullying may or may not address an attribute of the person being bullied, or a person with whom the bullied person is associated with.

Ark. Code Ann. § 6-18-514
WHAT IS BULLYING? - CONTINUED

Bullying causes or creates at least one of the following:

- Physical harm to student or public school employee
- Damage to student’s or public school employee’s property
- Substantial interference with a student’s education
- Substantial interference with a public school employee’s role in education
- Hostile educational environment for one (1) or more students due to the severity, persistence, or pervasiveness of the act
- Hostile educational environment for one (1) or more public school employees due to the severity, persistence, or pervasiveness of the act
- Substantial disruption of the orderly operation of the public school or educational environment

Ark. Code Ann. § 6-18-514
“HARASSMENT” – WITHIN THE DEFINITION OF BULLYING

“Harassment” means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other’s performance in the school environment.

“ATTRIBUTE” – WITHIN THE DEFINITION OF BULLYING

- Arkansas anti-bullying laws prohibit acts that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated.

- "ATTRIBUTE" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation.

A.C.A. § 6-18-514(b)(1)
EXAMPLES OF BULLYING - VERBAL

- Name-calling, such as hurtful comments about race, religion, gender, physical or mental differences
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm
EXAMPLES OF BULLYING - PHYSICAL

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone’s things
EXAMPLES OF BULLYING - SOCIAL

- Leaving someone out on purpose, purposeful social isolation
- Telling others not to be friends with someone
- Social manipulation
- Embarrassing someone in public
- Public humiliation
- Rumor spreading
Ark. Code Ann. § 6-18-514 now defines “bullying” to include “cyberbullying.”
**CYBERBULLYING** is “any form of communication by electronic act that is sent with the purpose to:

(1) harass, intimidate, humiliate, ridicule, defame, or threaten a student, public school employee, or person with whom the other student or public school employee is associated; or

(2) incite violence to a student, public school employee, or person with whom the other student or public school employee is associated.”
EXAMPLES OF CYBERBULLYING

▪ Sending, posting, or sharing mean or inappropriate content
▪ Sharing personal or private information to cause humiliation
▪ Creating a hurtful Webpage about someone
▪ Pretending to be someone else online in order to solicit personal information
Common questions regarding bullying...

Is it bullying if my teacher humiliates me in front of the entire class?

No. Ark. Code Ann. § 6-18-514 defines bullying as an act that is initiated by a student. If you are being intentionally humiliated by your teacher, you should contact your principal or the Arkansas Division of Elementary and Secondary Education Professional Licensure Standards Board (PLSB) to file a complaint.
Are the popular kids the only ones who can bully?

No. There is no stereotype for a bully. A bully can be a popular or unpopular student. You should not be looking for a physical attribute to determine if someone is a bully, instead you should be looking at an individual’s actions and behaviors.
Is it bullying if another student threatens me while I am waiting at my school bus stop?

Yes. Bullying is not allowed in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events.
What can I do if I am bullied after school hours?

Notify a trusted adult and report the incident to school officials as soon as possible on the next school day. You may also send an email to the principal to let them know what happened and that you will be following up with them on the next school day.
Is there a difference between conflict and bullying?

Yes. It is normal for two people to disagree with each other at times. When you are in a conflict, even though you might disagree, you are still able to express your own views and not have a fear of being hurt or harmed. When someone bullies, they have a disregard for your feelings and intentionally want to humble or intimidate you.
I like to tell jokes, but sometimes I am afraid that I might be labelled as a bully?

Everyone appreciates someone with a good sense of humor. Laughter is contagious and at times can make other people feel better regardless of what they are going through. As in any situation, you should always be respectful of your audience and look for warning signs to see if you should change your behavior in order to create a friendly atmosphere for all students and public school employees.
Contact Us if We Can Help

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