

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1237

H.P. 928

House of Representatives, March 22, 2011

### An Act To Prohibit Bullying in Schools

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative MORRISON of South Portland.  
Cosponsored by Senator BARTLETT of Cumberland and  
Representatives: BLODGETT of Augusta, CAREY of Lewiston, CLARKE of Bath,  
HARLOW of Portland, NELSON of Falmouth, ROTUNDO of Lewiston, RUSSELL of  
Portland, VALENTINO of Saco.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §4010** is enacted to read:

3 **§4010. Harassment, intimidation and bullying prevention policies**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Electronic," with respect to an act of communication, means transmitted by wire,  
7 radio, optical cable, electromagnetic means or other similar means.

8 B. "Harassment, intimidation or bullying" means any intentional electronic, written,  
9 verbal or physical act that:

10 (1) Physically harms a student or damages a student's property;

11 (2) Has the effect of substantially interfering with a student's education;

12 (3) Is so severe, persistent or pervasive that it creates an intimidating or  
13 threatening educational environment;

14 (4) Disparages or ridicules a race, skin color, religion, ancestry, national origin,  
15 gender, sexual orientation or mental, physical or sensory handicap or other  
16 distinguishing characteristic, although an affected student is not required to  
17 possess a characteristic under this subparagraph that is the basis for the  
18 harassment, intimidation or bullying; or

19 (5) Has the effect of substantially disrupting the orderly operation of the school.

20 **2. Adoption of policy.** By August 15, 2012, a school administrative unit shall adopt  
21 a policy that incorporates the revised model policy provided under subsection 4 to  
22 prevent the harassment, intimidation or bullying of any student. A policy adopted under  
23 this subsection must emphasize positive character traits and values, including the  
24 importance of civil and respectful speech and conduct and the responsibility of students  
25 to comply with the policy. A school administrative unit must communicate the policy to  
26 parents, guardians, teachers, school employees, volunteers, students, administrators and  
27 community representatives in accordance with subsection 3 and rules adopted by the  
28 commissioner under subsection 6. A school administrative unit shall designate one person  
29 in the school administrative unit as the primary contact person regarding the policy. The  
30 primary contact person must receive copies of all formal and informal complaints  
31 concerning the policy or conduct prohibited by the policy and shall implement the policy  
32 and serve as the primary contact person for the policy between the school administrative  
33 unit and parents, guardians, teachers, school employees, volunteers, students,  
34 administrators, community representatives and the department.

35 **3. Adoption process.** A policy under subsection 2 must be adopted or revised by a  
36 school administrative unit through a process that includes representation of parents,  
37 guardians, school employees, volunteers, students, administrators and community  
38 representatives.

1 **4. Model policy.** By February 15, 2012, the commissioner shall develop a model  
2 harassment, intimidation and bullying prevention policy for use by school administrative  
3 units pursuant to subsection 2. A copy of the model policy must be sent to each school  
4 administrative unit in the State and posted on the publicly accessible portion of the  
5 department's website along with any training and instructional materials related to the  
6 policy that the committee determines necessary. The commissioner may update or revise  
7 the model policy and shall post the update or revision on the publicly accessible portion  
8 of the department's website and send a copy of the update or revision to each school  
9 administrative unit.

10 **5. School administrative units' policies.** By August 15, 2012, each school  
11 administrative unit shall provide the commissioner with the school administrative unit's  
12 policy required under subsection 2 and a brief summary of any procedures, programs,  
13 partnerships, vendors or instructional and training materials relating to that policy, which  
14 must be posted on the publicly accessible portions of the department's website and school  
15 administrative unit's website. The publicly accessible portion of the department's website  
16 must provide a link to each school administrative unit's website. If a school  
17 administrative unit updates or revises a policy required under subsection 2, the school  
18 administrative unit shall provide a copy of the update or revision to the commissioner to  
19 be posted on the publicly accessible portion of the department's website and shall post the  
20 update or revision on the publicly accessible portion of the school administrative unit's  
21 website.

22 **6. Rules.** The commissioner may adopt rules regarding school administrative units'  
23 communication of policies required under subsection 2 to parents, guardians, teachers,  
24 school employees, volunteers, students, administrators and community representatives  
25 and to carry out the purposes of this section. Rules adopted pursuant to this subsection  
26 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

27 **Sec. 2. Advisory committee.** The Commissioner of Education shall form a  
28 school harassment, intimidation and bullying prevention advisory committee composed  
29 of representatives of parents, guardians, teachers, school employees, volunteers, students,  
30 administrators, community representatives, the Maine School Superintendents  
31 Association, the Maine Principals' Association and other interested parties. By February  
32 15, 2012, the committee shall assist the Commissioner of Education in developing a  
33 model harassment, intimidation and bullying prevention policy to be used by school  
34 administrative units pursuant to the Maine Revised Statutes, Title 20-A, section 4010.

35 **SUMMARY**

36 This bill requires each school administrative unit to adopt, by August 15, 2012, a  
37 harassment, intimidation and bullying prevention policy based upon a model policy  
38 developed by the Commissioner of Education in conjunction with an advisory committee  
39 composed of representatives of parents, guardians, teachers, school employees,  
40 volunteers, students, administrators, community representatives, the Maine School  
41 Superintendents Association, the Maine Principals' Association and other interested  
42 parties. Harassment, intimidation and bullying prevention policies must be posted on the

1 publicly accessible portions of the Department of Education's website and the respective  
2 school administrative unit's website.