

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

479T0491

## SENATE EDUCATION ENGROSSED NO. **SB 130** - 2/10/2012

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

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

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

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

4 Section 1. If a school district does not have a bullying policy, the school district shall adopt  
5 a bullying policy that meets the requirements of this Act. If the school district already has a  
6 bullying policy in place, the school board shall review and, if necessary, revise the policy so that  
7 it meets the requirements of this Act.

8 Section 2. Bullying is the causing of physical hurt or psychological distress on one or more  
9 students that may involve threat, intimidation, stalking as defined in chapter 22-19A, physical  
10 violence, theft, destruction of property, any threatening use of data or computer software, written  
11 or verbal communication, or conduct directed against a student that:

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

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



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

2       For the purposes of this Act, bullying also includes retaliation against a student for asserting  
3 or alleging an act of bullying.

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

6       (1)    A statement prohibiting bullying, and a definition of bullying that includes the  
7            definition in section 2 of this Act; and

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

10      Section 4. Any school district employee, school volunteer, student, or parent who promptly  
11 reports in good faith an act of bullying to the appropriate school district official as designated  
12 in the school district's policy, and who makes the report in compliance with the provisions of  
13 the school district's policy is immune from any cause of action for damages arising from failure  
14 to remedy the reported incident.

15      Section 5. Neither the physical location nor the time of day of any incident involving the use  
16 of computers or other electronic devices is a defense to any disciplinary action initiated pursuant  
17 to this Act.