

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1602

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105, 33-1612, 33-1630 [33-1631], and 33-2002, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 13, 2016 - 6:00 PM Lewis and Clark State College Williams Conference Center Clearwater Room 500 8 th Avenue Lewiston, ID 83501	October 17, 2016 - 6:00 PM College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687	October 24, 2016 - 6:00 PM Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204
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The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to effectively respond to the issues of bullying and harassment in Idaho schools, a proposed rule has been initiated by the State Board of Education to meet the requirements set forth in Section 33-1631, Idaho Code. This statute requires school districts and public charter schools to implement measures intended to prevent, identify, and respond to bullying, harassment and intimidation.

The requirements include: the annual dissemination by school districts and charter schools to school personnel, parents and students, information on harassment, intimidation and bullying; ongoing professional development to school staff to prevent, identify and respond to bullying, harassment and intimidation; graduated consequences in district policy for these types of incidences; and, an annual report by school districts and charter schools on these incidences. Additionally, the statute requires the State Board of Education to establish the provision of ongoing professional development, district policy guidelines, and the manner in which bullying incidents are to be reported to the State Department of Education through the promulgation of administrative rules.

This proposed rule will make permanent the temporary rule (Docket No. 08-0202-1601) which was passed in February 2016.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 6, 2016, Idaho Administrative Bulletin, Volume 16-4, pages 19-20.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Matt McCarter, Director of Student Engagement and Career and Technical Readiness, at (208) 332-6961 or mamccarter@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016 or during the scheduled public hearings.

DATED this 30th day of June, 2016.

Sherri Ybarra, Superintendent of Public Instruction
650 West State Street, 2nd Floor
PO Box 83720
Boise, ID 83720-0027
Office: (208) 332-6800 Fax: (208) 334-2228

**IDAPA 08
TITLE 02
CHAPTER 02**

08.02.02 - RULES GOVERNING UNIFORMITY

111. BULLYING, HARASSMENT AND INTIMIDATION PREVENTION AND RESPONSE.

01. Dissemination of Information. School districts and charter schools shall make reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students. ()

02. Professional Development. The content of ongoing professional development for school staff related to bullying, harassment and intimidation shall include: ()

a. School philosophy regarding school climate and student behavior expectations; ()

b. Definitions of bullying, harassment, and intimidation; ()

c. School prevention strategies or programs including the identification of materials to be distributed annually to students and parents; ()

d. Expectations of staff intervention for bullying, harassment, and intimidation; ()

e. School process for responding to bullying, harassment, and intimidation including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services and parental involvement; and ()

f. Other topics as determined appropriate by the school district or charter school. ()

03. Graduated Consequences. Graduated consequences for a student who commits acts of bullying, harassment, and intimidation shall include a series of measures proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school board of trustees, school administrators, or designated personnel depending upon the level of discipline. Graduated consequences should be in accordance with the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and

performance.

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a. Graduated consequences may include, but are not limited to:

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i. Meeting with the school counselor;

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ii. Meeting with the school principal and student's parents or guardian;

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iii. Detention, suspension or special programs; and

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iv. Expulsion.

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b. The graduated consequences are not intended to prevent or prohibit the referral of a student who commits acts of harassment, intimidation or bullying to available outside counseling services, and/or to law enforcement pursuant to Section 18-917A, Idaho Code.

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c. Students with disabilities may be afforded additional protections under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act; school districts and charter schools shall comply with applicable state and federal law when disciplining students with individualized education programs (IEPs) or 504 plans for committing acts of bullying, harassment, and intimidation.

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04. Intervention. School district and charter school employees are authorized and expected to intervene or facilitate intervention on behalf of students facing harassment, intimidation, and bullying. Intervention shall be reasonably calculated to:

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a. Correct the problem behavior;

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b. Prevent another occurrence of the problem;

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c. Protect and provide support for the victim of the act; and

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d. Take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

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05. Reporting. Annual reporting will occur at the end of the school year through an aggregate report identifying the total number of bullying incidents by school districts and charter schools, grade level, gender, and repeat offenders. The State Department of Education shall provide school districts and charter schools with the guidelines and forms for reporting.

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