

Overview of Bullying Statutes

Testimony before Senate Committee on Education
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DEFINITION. 16 V.S.A. § 11(32) -- "Bullying" means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and that:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C)(i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

HARASSMENT, HAZING, AND BULLYING PREVENTION POLICIES. 16

V.S.A. § 570 --

(a) State policy. It is the policy of the State of Vermont that all Vermont educational institutions provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Prevention policies. Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment, hazing, and bullying prevention policies that shall be at least as stringent as model policies developed by the Secretary. Any school board that fails to adopt one or more of these policies shall be presumed to have adopted the most current model policy or policies published by the Secretary.

(c) Notice. Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this subchapter to students, custodial parents or guardians of students, and staff members, including reference to the consequences of misbehavior contained in the plan required by section 1161a of this title. Notice to students shall be in age-appropriate language and should include examples of harassment, hazing, and bullying. At a minimum, this notice shall appear in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school. The school board shall use its discretion in developing and initiating age-appropriate programs to inform students about the substance of the policy and procedures in order to help prevent harassment, hazing, and bullying. School boards are encouraged to foster opportunities for conversations between and among students regarding tolerance and respect.

BULLYING POLICY AND IMPLEMENTATION PLAN. 16 V.S.A. § 570c --

The bullying prevention policy required by section 570 of this title and its plan for implementation shall include:

(1) a statement that bullying, as defined in subdivision 11(a)(32) of this title, is prohibited;

(2) a procedure that directs students, staff, parents, and guardians how to report violations and file complaints;

(3) a procedure for investigating reports of violations and complaints;

(4) a description of the circumstances under which bullying may be reported to a law enforcement agency;

(5) consequences and appropriate remedial action for students who commit bullying;

(6) a description of how the school board will ensure that teachers and other staff members receive training in preventing, recognizing, and responding to bullying; and

(7) annual designation of two or more people at each school campus to receive complaints and a procedure both for publicizing the availability of those people and clarifying that their designation does not preclude a student from bringing a complaint to any adult in the building.