




State-Tribal Relations Committee
62nd Montana Legislature

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To: State-Tribal Relations Committee Members
From: Dan Whyte, Legislative Attorney 
Re: Legislation Prohibiting Bullying and Harassment
Date: February 24, 2012

The State-Tribal Relations Committee has asked that legislative staff review previous legislation related to the prohibition of bullying and harassment for the Committee's consideration. This memorandum discusses legislative efforts to prohibit these behaviors and provides commentary on other states' similar legislation. Copies of all bills introduced are attached for the Committee's convenience.

In 2003, then-Representative Tom Facey introduced HB 449, entitled: "An Act Requiring a School District to Adopt a Policy Prohibiting Harassment, Intimidation, or Bullying on School Property, at a School-Sponsored Function, or on a School Bus". The bill would have required the trustees of a school district to adopt a policy prohibiting harassment, intimidation, or bullying. The policy was a minimal requirement policy that would include formal investigation, disciplinary action, and statements prohibiting reprisals or retaliation. That bill was heard before the House Education Committee on February 5, 2003, but was tabled on February 13, 2003.

Representative Sam Kitzenberg introduced Senate Bill 198 during the 2005 Legislative Session. While the bill initially followed the language of Rep. Facey's HB 449, the bill was substantially amended to require the Board of Public Education to work with school districts on methods to address bullying and harassment and to develop a policy. The bill passed the Senate but failed on a 50/50 vote on third reading in the House.

Senate Bill 141 was introduced to the 2011 Legislature by Senator Kim Gillan. The initial committee hearing was before the Senate Education and Cultural Resources Committee and included numerous witnesses in favor of and in opposition to passage. Proponents included Montana Attorney General Steve Bullock and Superintendent of Public Instruction Denise Juneau, as well as numerous parents and students who were personally familiar with bullying in schools. Opponents included the Montana School Boards Association, Montana Rural Education Association, Montana Association of School Superintendents, and numerous individuals.

The purpose of SB 141 was to prevent bullying: