

**BULLYING AND CYBER BULLYING STANDARDS FOR
SCHOOL DISTRICTS JOINT RESOLUTION**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature expresses support for Utah school districts and charter schools to implement protections against bullying, cyber bullying, and other physical or emotional harm.

Highlighted Provisions:

This resolution:

- ▶ commends the Utah State Office of Education, Utah school districts, and charter schools for their efforts to promulgate administrative rules, policies, and procedures that protect against bullying, cyber bullying, and related physical or emotional harm;
- ▶ urges local districts and charter schools to adopt and implement local policies ensuring, at a minimum, that those prohibitions of abuse or neglect contained in the Juvenile Court Act that parents are required to fulfill secular duties as to their children are observed by student peers, school personnel, and parents on a daily basis;
- ▶ urges the Utah State Board of Education, boards of school districts, and governing boards of charter schools as they plan for safe and effective schools to encourage and allow complete and full parental assumption of the opportunity and obligations that attend their minor children's participation in public schools; and
- ▶ requests Utah's congressional delegation to make further inquiry of the United



28 States Department of Education and the United States Department of Justice to consider the
29 feasibility of modifying their longitudinal studies to track data addressing the structure of the
30 family unit of the instigator or recipient of bullying or cyber bullying, to request that these
31 agencies acknowledge the significant role parents and family can have in the prevention,
32 remediation, and implementation of sanctions regarding bullying and other physical or
33 emotional harm, and to report on the involvement of parents and family in both discouraging
34 and preventing ongoing bullying, cyber bullying, or other physical or emotional harm.

35 **Special Clauses:**

36 None



38 *Be it resolved by the Legislature of the state of Utah:*

39 WHEREAS, in 2008, the Legislature and Governor adopted statutory directives
40 regarding bullying and hazing in the public schools with the expectation that school districts
41 and charter schools would integrate these directives with student conduct and discipline plans
42 and other efforts to maintain safe schools in the state of Utah;

43 WHEREAS, the Utah State Office of Education has made administrative rules and
44 adopted model policies regarding bullying, hazing, student conduct, discipline, and safe
45 schools to facilitate the adoption and implementation of local policies addressing these
46 important issues by school districts and charter schools;

47 WHEREAS, in December 2010, policies posted on local school district websites
48 indicated that while substantial and material efforts had been made to implement all of the
49 foregoing state requirements on a local level, a significant part of the framework for safety and
50 due process that were mandated by the Legislature, the Governor, and the Utah State Office of
51 Education were neither identified by existing policies nor made easily accessible to interested
52 students, parents, and school personnel;

53 WHEREAS, Section 53A-13-109 of the Utah Code states that "the primary
54 responsibility for the education of children within the state resides with their parents or
55 guardians and that the role of state and local governments is to support and assist parents in
56 fulfilling that responsibility";

57 WHEREAS, students and parents should be able to easily access and implement
58 available protections for their children from bullying, cyber bullying, and other physical or

59 emotional harm occurring in schools, on school grounds, and other locations throughout the
60 state;

61 WHEREAS, parents entrust their children to the public schools under a doctrine of in
62 loco parentis, which presupposes that the safety and protection of students will, at a minimum,
63 satisfy the abuse and neglect standards required of parents under the Juvenile Court Act;

64 WHEREAS, a significant failure to implement all of the mandatory protections to
65 secure the safety of students and school personnel, as well as continued acts of bullying, cyber
66 bullying, harassment, or intimidation since the adoption of the 2008 legislation, may have
67 contributed to the suicide, serious physical harm, and mental breakdown of students enrolled in
68 Utah's public schools;

69 WHEREAS, in the Second Special Session of the 51st Legislature, the Utah Legislature
70 approved intent language attached to S.B. 1003, Responsibilities of School Employees and
71 Limitations Regarding Student Clubs, affirming that "The Legislature desires that all school
72 officials, parents and students understand that . . . physical violence will not be tolerated in our
73 public schools";

74 WHEREAS, the Utah Legislature also affirmed that "building public education on the
75 foundation of family involvement supports future academic achievement," and that "protecting
76 parental autonomy and family privacy serves societal values encouraging diversity in a free
77 society. The Utah Supreme Court has observed that 'family autonomy helps assure the
78 diversity characteristic of a free society. There is no surer way to . . . allow parents maximum
79 latitude in rearing their own children"; and

80 WHEREAS, a United States Department of Education and Department of Justice study
81 titled, "Indicators of School Crime and Safety: 2010," did not take into account the role of
82 families in preventing, intervening, and protecting students against bullying and cyber bullying;

83 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
84 expresses appreciation to the Utah State Office of Education and school districts for the
85 substantial and material efforts made by them to enhance the safety of public schools and
86 provide a school environment that is supportive of students committed to learning, parents
87 committed to participating and supporting, and educators committed to excellence;

88 BE IT FURTHER RESOLVED that the Legislature urges local districts and charter
89 schools, acting in loco parentis regarding their students, to adopt and implement local policies

90 ensuring, at a minimum, that those prohibitions of abuse or neglect contained in the Juvenile
91 Court Act that required parents to fulfill their secular duties as to their children, are observed
92 by student peers, school personnel, and parents on a daily basis;

93 BE IT FURTHER RESOLVED that the Legislature urges the Utah State Board of
94 Education, boards of school districts, and governing boards of charter schools as they plan for
95 safe and effective schools, to encourage and allow complete and full parental assumption of the
96 opportunity and obligations that attend their minor children's participation in public schools.

97 BE IT FURTHER RESOLVED that the Legislature urges Utah's congressional
98 delegation to request that the United States Department of Education and the United States
99 Department of Justice consider the feasibility of modifying their longitudinal studies to track
100 data addressing the structure of the family unit of the instigator or recipient of bullying, to
101 request that these agencies acknowledge the significant role parents and family can have in the
102 prevention, remediation, and implementation of sanctions regarding bullying, cyber bullying,
103 and other physical or emotional harm, and to report on the involvement of parents and family
104 in both discouraging and preventing ongoing bullying or other physical or emotional harm.

105 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah State
106 Office of Education for distribution to each of Utah's school districts and charter schools, the
107 United States Department of Education, the United States Department of Justice, and to the
108 members of Utah's congressional delegation.

Legislative Review Note
as of 2-18-11 11:03 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.J.R. 27

SHORT TITLE: **Bullying and Cyber Bullying Standards for School Districts Joint Resolution**

SPONSOR: **Okerlund, R.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this resolution likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this resolution likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this resolution likely will not result in direct, measurable expenditures by Utah residents or businesses.

2/25/2011, 07:20 AM, Lead Analyst: Allred, S./Attorney: JLW

Office of the Legislative Fiscal Analyst