

10.55.719 STUDENT PROTECTION PROCEDURES

(1) A local board of trustees shall adopt a policy designed to deter persistent threatening, insulting, or demeaning gestures or physical conduct, including an intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct, that:

(a) causes a student physical or emotional harm, damages a student's property, or places a reasonable fear of harm to the student or the student's property;

(b) substantially and materially interferes with access to an educational opportunity or benefit; or

(c) substantially and materially disrupts the orderly operation of the school.

(2) Behavior prohibited under (1) includes retaliation against a victim or witness who reports behavior prohibited under (1).

(3) "Persistent" as used in this rule can consist of repeated acts against a single student or isolated acts directed against a number of different students.

(4) The behavior prohibited in (1) includes but is not limited to conduct:

(a) in a classroom or other location on school premises;

(b) during any school-sponsored program, activity, or function where the school is responsible for the student including when the student is traveling to and from school or on a school bus or other school-related vehicle; or

(c) through the use of electronic communication, as defined in [45-8-213](#), MCA, that substantially and materially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.

(5) Each local board of trustees has discretion and control over the development of its policies and procedures regarding behavior prohibited under (1), but each district's policies and procedures must include at a minimum:

(a) a prohibition on the behavior specified in (1), regardless of the underlying reason or reasons the student has engaged in such behavior;

(b) a procedure for reporting and documenting reported acts of behavior prohibited under (1);

(c) a procedure for investigation of all reports of behavior prohibited under (1)(a) that includes an identification of the persons responsible for the investigation and response;

(d) a procedure for determining whether the reported act is subject to the jurisdiction of the school district or another public agency, including law enforcement, and a procedure for referral to the necessary persons or entity with appropriate jurisdiction;

(e) a procedure for prompt notification, as defined in the district policy, of the alleged victim and the alleged perpetrator, or the parents or guardian of such students when the students are minors;

(f) a procedure to protect any alleged victim of behavior prohibited under (1)(a) from further incidents of such behavior;

(g) a disciplinary procedure establishing the consequences for students found to have committed behavior prohibited under (1); and

(h) a procedure for the use of appropriate intervention and remediation for victims and perpetrators.

History: [20-2-121](#), MCA; [IMP](#), [20-2-121](#), MCA; [NEW](#), 2012 MAR p. 2042, Eff. 7/1/13.

Montana Office of Public Instruction

Bullying/Intimidation Model Incident Reporting Form

Disclaimer:

The following Model Incident Report Form (form) is provided by the Montana Office of Public Instruction to be used by school districts at their discretion. Using portions or the entirety of this form is not mandatory. This form is to be used only as a tool to facilitate the enforcement of school district bullying policy and the Montana Office of Public Instruction encourages each school district to develop a form based on the unique characteristics of that district.

_____ SCHOOL DISTRICT: BULLYING/INTIMIDATION INCIDENT REPORTING FORM

This form is to be used to report incidents of bullying/intimidation. False reporting is prohibited.

I, _____, was a target of/witness to/received a report of (circle one) a bullying incident.

I am a:
student teacher parent other (please specify) _____

The incident took place:
on school property at a school sponsored event on a bus or other school vehicle
off school property (describe where) _____
other _____

Describe in detail the incident, including location, any injuries or damage to property, etc. (Use back of form if necessary)

Was this an isolated incident? Yes No

If "No," how many other incidents have there been? _____

Date and description of incident: _____

Aggressor Information: _____

The aggressor was:
a student a teacher other (please specify) _____

Aggressor's name, grade (if known): _____

Other affected Students (Please indicate whether witness, bystander, or target):

Name: _____ Grade: _____

Name: _____ Grade: _____

Name: _____ Grade: _____

Name: _____ Grade: _____

_____ School District

Bullying/Intimidation/Hazing Investigation Form

Continued

Aggressor #1 Interview Date: _____

Incident Description: _____

Aggressor #2 Interview Date: _____

Incident Description: _____

Aggressor #3 Interview Date: _____

Incident Description: _____

Aggressor #4 Interview Date: _____

Incident Description: _____
