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SENATE

S. NO. 413

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

Explanatory Note

Bullying among students is a problem that has plagued schools since the beginning of institutionalized education, yet it is a problem that remains poorly understood and difficult to define. Today, school bullying appears to be more prevalent and more serious than in previous decades, involving more vicious conduct and deadlier outcomes.

Bullying, intimidation and harassment, if unchecked, can have dangerous consequences. The U.S. Department of Health recognizes bullying and harassment as major health problem which are both widespread and potentially a serious threat to the health and well-being of children and youth. Children involved in bullying either as victims or perpetrators have a more difficult time in school, a higher prevalence of psychological and psychosomatic symptoms, and are more likely to report common health problems. According to the surveys of Public Health Data Watch conducted in 2002, to the kids in King County in Washington:

- Youths who are harassed at school are almost three times as likely to carry a weapon to school.
- Students who are harassed are more likely to report being part of a gang.
- Harassed students were much more likely to report engaging in self-endangering or harmful behaviors, including a dramatic increase in heavy drug use; they are also twice as likely to consider and/or attempt suicide.

In recognition of the impact that bullying and harassment has on children, this representation aims to pass the Anti-Bullying Act as a way to encourage school districts across the country to create proactive policies and measures to protect children. This bill shall require school districts to adopt policies prohibiting harassment, intimidation, and bullying. The Anti-Bullying Act shall require each school district in the country to develop a policy that prohibits the harassment, intimidation, or bullying of any student and to share information about the policy with students, employees, parents/guardians, and volunteers.



ANTONIO "SONNY" F. TRILLANES IV
Senator

OFFICE OF THE CLERK
10 JUL 20 10:20

SENATE
S. NO. 413

DEPT. OF EDUCATION


Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
REQUIRING SCHOOL DISTRICTS TO ADOPT POLICIES PROHIBITING
HARASSMENT, INTIMIDATION, AND BULLYING

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. *Short Title.*** This Act shall be known as the "Anti-Bullying Act of 2010".

2
3 **SEC. 2. *Definition.*** "Harassment, intimidation, or bullying" means any intentional
4 written, verbal, or physical act, including, but not limited to one shown to be motivated either by
5 any distinguishing characteristics, when the intentional written, verbal, or physical act:

- 6 (1) Physically harms a student or damages the student's property; or
7 (2) Has the effect of substantially interfering with a student's education; or
8 (3) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational
9 environment; or
10 (4) Has the effect of substantially disrupting the orderly operation of the school.

11
12 **SEC. 3. *Anti-bullying policies.***

13 (1) The school board of directors in every school district shall adopt policies to prevent pupil
14 harassment, also known as bullying.

- 15 (2) The policies shall:
16 (a) Clearly define conduct that constitutes bullying;
17 (b) Prohibit bullying while on school property, at school-sponsored activities, and on school

1 buses;

2 (c) State the consequences for engaging in the prohibited conduct, which may vary
3 depending on the age or grade of the student involved;

4 (d) Require that a school employee who has witnessed or has reliable information that a
5 pupil has been a victim of bullying as defined by the district shall report the incident to the
6 principal;

7 (e) Require that notice of what constitutes bullying, that bullying is prohibited, and the
8 consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria,
9 restroom, gymnasium, auditorium, and school bus in the district; and

10 (f) Require that copies of the notice of what constitutes bullying, that bullying is prohibited,
11 and the consequences of engaging in bullying be provided to parents, students, school volunteers,
12 and employees. Each policy shall require that a full copy of the policy be made available upon
13 request.

14 (3) A school employee who has reported violations under the school district's policy shall be
15 immune from any tort liability that may arise from the failure to remedy the reported incident.

16 (4) The school division offices may provide opportunities for school employees to participate in
17 programs or other activities designed to develop the knowledge and skills to prevent and respond
18 to acts covered by this policy.

19 (5) (a) The school district shall file with the Department of Education a copy of the policies
20 adopted in compliance with this section.

21 (b) The school division offices shall review the policies provided by the school districts
22 and may recommend changes or improvements to the districts if the division office determines
23 that the policies need improvement.

24
25 **SEC. 4. *Accountability to the Superintendent.*** Beginning with the school year after
26 this bill is enacted, each school district shall report to the school division superintendent by

1 January 31st of each year all incidents (*resulting in disciplinary action*) involving harassment,
2 intimidation, or bullying, (*that result in a short or long-term suspension or*) expulsion on school
3 premises or on transportation systems used by schools, in the year preceding the report. The
4 school division superintendent shall compile the data and report it to the appropriate committees
5 of the House of Representatives and the Senate.

6

7 **SEC. 5. *Protection against reprisal, retaliation or false accusation.***

8 (1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false
9 accusation against a victim, witness, or one with reliable information about an act of harassment,
10 intimidation, or bullying.

11 (2) A school employee, student, or volunteer who has witnessed, or has reliable information
12 that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or
13 physical, is encouraged to report such incident to an appropriate school official.

14 (3) A school employee, student, or volunteer who promptly reports an incident of
15 harassment, intimidation, or bullying to an appropriate school official, and who makes this report
16 in compliance with the procedures in the district's policy prohibiting bullying, harassment, or
17 intimidation, is immune from a cause of action for damages arising from any failure to remedy
18 the reported incident."

19

20 **SEC. 6. *Implementing Rules and Regulations.*** Within ninety (90) days from the
21 effectivity of this Act, the school divisions shall promulgate the necessary rules and regulations
22 to implement the provisions of this Act. Such rules and regulations shall take effect immediately
23 thereafter.

24

25 **SEC. 7. *Repealing Clause.*** Any laws, decrees, ordinances or rules and regulations which
26 are inconsistent with or contrary to the provision of this Act is hereby amended or repealed.

1 **SEC. 8. *Effectivity.*** This Act shall take effect fifteen (15) days after its complete
2 publication in at least two (2) national newspapers of general circulation.

Approved.