



Bullying / Cyberbullying Prevention Law

Model Statute and Advocacy Toolkit

April 2009





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I. Introduction

Bullying and harassment in elementary and secondary educational settings is a continuing problem for school districts, parents, and students. The impact of bullying has been well documented -- studies have shown that difficulty making friends, loneliness, low self-esteem, depression, poor academic achievement, truancy and suicide are all associated with being bullied.

Bullying is often motivated by prejudice and hate, and some of the most serious cases are the result of bias based on the victim's personal characteristics, such as race, religion, national origin, gender identity, or sexual orientation. Whether bullying is related to identity-based group membership, or more universal characteristics such as appearance or social status, this form of social cruelty can produce devastating consequences for the targets – and the perpetrators of bullying – and may be a precursor to more destructive behavior.

Cyberbullying, described as intentional harm inflicted through electronic media, is a growing problem that affects almost half of all U.S. teens. An increasing number of youth are misusing online technology -- e-mailing, text messaging, chatting and blogging -- to bully, harass and even incite violence against others. Targets of cyberbullying may be subject to additional distress due to the pervasive and invasive nature of modern communication technology. Cyberbullying messages can be circulated far and wide in an instant and are usually irrevocable; cyberbullying is ubiquitous—there is no refuge and victimization can be relentless; and cyberbullying is often anonymous and can rapidly swell as countless and unknown others join in on “the fun.”

For years, governments, schools and courts have been wrestling with how to deal with the issue of bullying and harassment in schools. A school's duty to maintain a safe learning environment for students must be balanced with a student's right to privacy and free speech. Particularly with the rise in cyberbullying, schools are seeking ways to create a safe environment, and communities and legislatures are creating guidelines on the issue.

Over the past ten years, thirty-seven states have adopted legislation mandating schools implement anti-bullying statutes.¹ Some statutes are general prohibitions on bullying

¹ States with no bullying procedures: (1) Alabama, (2) Hawaii, (3) Massachusetts, (4) Michigan, (5) Mississippi, (6) Montana, (7) New York, (8) North Carolina, (9) North Dakota, (10) Pennsylvania, (11) South Dakota, (12) Wisconsin, (13) Wyoming

while others are specific in their requirements. The Anti-Defamation League has prepared a Model Anti-Bullying Statute. The League's Model Statute combines the best elements of existing laws, along with refinements to ensure that this anti-bullying statute is comprehensive and constitutional. While some of the current thirty-seven state statutes may have all of the elements in ADL's model, most do not.

ADL is taking a strong lead in encouraging states to ensure their anti-bullying statutes are complete, effective, constitutional, and implemented. This Toolkit contains ADL's Model Anti-Bullying Statute, general talking points in support of anti-bullying legislation, a specific section-by-section description of our model policy, a compilation of the existing anti-bullying statutes, and examples of school Internet Acceptable Use Policies.

II. Talking Points in Support of the ADL Model Statute

- Throughout the country, many school administrators now are dealing with the issue of bullying, and particularly cyberbullying, in their schools.
- All students have the right to participate fully in the educational process, free from harassment and bullying. Anti-bullying policies should be in place *before* an incident occurs.
- Some schools may have policies, but parents and students may not even know they exist, they may not be consistently enforced, or they may be overbroad and unconstitutional. To be effective, statutes should be comprehensive and create accountability.
- Students learn by example, and so administrators should set a tone of civility and respect, and demonstrate their refusal to tolerate bullying and harassment.
- A law gives schools the power to do something about a bullying problem.
- Without a law, school districts may choose not to create anti-bullying policies, or may not actually enforce policies.
- ADL's mission in fighting hate and prejudice does not end at the school house doors. We continue our work so all children feel truly protected, including students who are bullied because of their ancestry, color, disability, ethnicity, gender, gender identity or expression, national origin, religion, race, or sex. Further, over the past number of years, it has become clear that new technologies have enabled bullying to take a new and ubiquitous form in cyberspace, and so the time for action is ripe and necessary.

III. Elements of a Comprehensive Anti-Bullying Law

(1) Require each school district adopt an anti-bullying policy.

- A requirement will let the parents, students, and concerned community members know that the issue is being taken seriously.
- The bill should require that school districts work with parents, teachers, students, law enforcement and other community stakeholders in the creation and implementation of the policy. The issue of bullying is a community issue and any response needs the support and buy-in of the entire community.

(2) A strong definition of intimidation, harassment, and bullying is necessary.

- The definition will notify school administrators, students, and teachers exactly what is unacceptable.
- The definition should not be overbroad, or vague – it must not punish constitutionally-protected speech. The definition should be limited to areas in which the school administration has the authority to act.

(3) Enumerated characteristics must be included in any definition of bullying.

- Naming certain categories provides clear guidance to those who must apply the standard.
- Naming the categories (particularly sexual orientation) will remove all doubt that Lesbian, Gay, Bisexual, and Transgender (LGBT) youth are included in the protections from bullying. A recent national survey of a representative group of students ages 13 to 18 found that students in schools with bullying or harassment policies inclusive of sexual orientation or gender identity are less likely to report a serious harassment problem at their schools.²
- Inclusion of enumerated characteristics does not affect protection for all other students.

² *From Teasing to Torment: School Climate in America*, Dana Markow, Ph.D., GLSEN and Harris Interactive, Inc. (2005)

- The U.S. Supreme Court has found that “enumerating” personal characteristics is the “essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply.”³
- According to a GLSEN report, Students who attend schools with policies that enumerate categories report less bullying and harassment than students who do not.
- Students from schools with inclusive policies reported that other students are harassed less because of their physical appearance (36% v. 52%), their sexual orientation (32% v. 43%) or their gender identity (26% v. 37%).⁴

(4) “Electronic communications” must be included in any definition of bullying.

- With increasing access to online technology, the Internet has become yet another vehicle to harass and bully. Cyberbullying may be more harmful than traditional bullying because of the invasive and pervasive nature of the communication: Messages are circulated far and wide and there is no refuge -- it is ubiquitous.
- In a survey of 824 13- to 17-year-olds, 35% reported being targeted by at least one of the following forms of Internet harassment in the previous year: rude or nasty comments, rumors, and threatening or aggressive messages. Eight percent reported frequent harassment (being targeted monthly or more often).⁵ In a survey of middle school students from a large U.S. school district, students who reported being cyberbullied said that the bully was most often someone from school (26.5%).⁶

(5) Off-campus cyberbullying which affects and interferes with a school’s educational mission must be covered by the Act.

- As a significant amount of cyberbullying is created on computers, cell phones and other devices that are not owned by the school, or are not located on

³ *Romer v. Evans*, 517 U.S. 620 (1996).

⁴ *Id.*

⁵ Ybarra, Michele L., Diener-West, Marie and Leaf, Philip J. 2007. Examining the Overlap in Internet Harassment and School Bullying: Implications for School Intervention. *Journal of Adolescent Health* 41: S42–S50.

⁶ Hinduja, S. and Patchin, J. W. 2008. *Bullying Beyond the Schoolyard: Preventing and Responding to Cyberbullying*. Thousand Oaks, CA: Sage Publications (Corwin Press).

school property, but still affect the school environment and the welfare of the students, it is important to ensure that schools are given adequate legal framework to address the issue.

- While courts nationwide are engaging in debates about balancing a student's right to free speech with another student's right to learn in a safe environment when dealing with electronic harassment, most courts agree that schools may discipline speech which results in a substantial disruption of the operation of the school.

(6) In school reporting: a process within the school for reporting and investigating bullying must be established.

- Students and witnesses should know a safe place to come to report incidents.
- There should be a point person in the school who is responsible for receiving reports of bullying and communicating with appropriate personnel for investigation.

(7) District Reporting: A systematic process by which the school reports to the school district, and the school district reports to the State, must be established.

- The bill should create process for schools to report incidents to the superintendents, who must then report to the designated state repository agency.
- State authorities must set an example that this is an important issue that is being monitored and examined.

(8) Establish consequences for unacceptable activity.

- Establishing consequences is important to put students, and staff, on notice that inappropriate behavior will not be tolerated and will be taken seriously.

(9) Mandate training for faculty and students.

- Thorough training of school administrators, teachers and counseling staff is essential to ensure that the Model Policy is properly implemented and enforced.

- A section such as this may have clear resource implications. It may be necessary for supporters to advocate for funds to accompany the enactment of this statute.

(10) Include counseling for victims and perpetrators.

- The bill should include a section on counseling for both targets and perpetrators, and for appropriate family members, affected by bullying. As described in the introduction above, severe bullying can have long-lasting and dangerous effects on students.

(11) Give notice to parents and guardians.

- This bill should ensure there is a procedure for broadly publicizing the policy (in conduct codes, handbooks, bulletin boards, school Web sites, and other appropriate places.)
- The notice will send a message to students, teachers and parents that the school is taking this issue seriously and does not accept inappropriate conduct.
- The notice will also serve to instruct students, parents, and school staff how to identify, respond to and report incidents of bullying.

(12) The State Board of Education should play a significant role.

- The bill should require the Board of Education to create a Model Policy. School Districts will take their lead from the Superintendents, and the State Department of Education. The State should lead by example and provide inclusive sample policies so that schools districts have guidance in creating comprehensive policies.

IV. Chart of Existing State Anti-Bullying Law

Following is a chart with information regarding each state's anti-bullying policies.

This chart serves to break out the various elements ADL finds important in an anti-bullying law, and notes if each statute contains such element. The electronic version of this chart also provides links to (i) each existing State anti-bullying law and (ii) any model school anti-bullying policies developed by State agencies. This chart will be useful when you decide how to advocate for a more comprehensive anti-bullying law in your state, and for implementation of such policies in your community's schools.

[CHART ON FOLLOWING PAGES]

State Anti-Bullying Statutes

State	Anti-Bullying Law or Related Law	Requires Creation of School District Policy	Model Policy	Cyberbullying Provision	Enumerated Categories	Reporting Requirement	Notification Requirement	Training Requirement
Alabama	none	n/a	none	n/a	n/a	n/a	n/a	n/a
Alaska	Alaska Stat. § 14.33.200-250	yes	yes	no	no	yes	yes	yes
Arizona	Ariz. Rev. Stat. Ann. § 15-341	no	none	no	no	no	no	no
Arkansas	A.C.A § 6-18-514	yes	none	yes	no	no	yes	no
California	Cal. Educ. Code §§§§ 32260-2, 32265, 32270, 32275	yes	yes	yes	yes	no	yes	no
	Cal.Educ.Code § 234-234.3							
Colorado	Colo. Rev. Stat. Ann. § 22-32-109.1	Requires "safe school plan."	yes	no	no	yes	yes	no
Connecticut	Conn.Gen.Stat.Ann. § 10-263e	yes	none	no	no	yes	yes	yes
	Public Act No. 08-160							
Delaware	14 Del. Code Ann. § 4112D	yes	yes	yes	no	yes	yes	yes
	14 Del. Code Ann. § 4123A							
District of Columbia	DCMR 5-2405.5	no	yes	no	yes	no	no	no
	DCMR 5-2503.2							
Florida	FS 1006.147	yes	none	yes	no	yes	yes	yes
Georgia	O.C.G.A. § 20-2-145	yes	none	no	no	no	yes	no
	O.C.G.A. § 20-2-751.4							
	O.C.G.A. § 20-2-751.5							
Hawaii	none	n/a	none	n/a	n/a	n/a	n/a	n/a
Idaho	I.C. § 18-917A	no	none	yes	no	no	no	no
	I.C. § 33-512 (6)							
Illinois	105 Ill. Comp. Stat. 5/27-13.3	yes	none	no	no	no	yes	no
	105 Ill. Comp. Stat. 5/27-23.7							
	105 Ill. Comp. Stat. 5/10-20.14							
Indiana	IC 20-30-5.5	yes	none	no	no	no	no	yes
	IC 20-33-8-0.2							
	IC 20-33-8-13.5							
	IC 5-2-10.1-2							
	IC 5-2-10.1-11,12							
Iowa	Iowa Code Ann. § 280.28	yes	yes	yes	yes	yes	yes	yes
Kansas	KS ST § 72-8256	yes	yes	yes	no	no	no	yes
Kentucky	Kentucky Acts Chap. 125	yes	none	yes	no	yes	yes	no
Louisiana	LSA-R.S. 17:416.13	yes	none	no	no	no	no	no
Maine	P.L. 2005, ch. 307	yes	yes	no	no	no	no	yes
Maryland	MD. Ann. Ed § 7-424	yes	none	yes	yes	yes	yes	yes
Massachusetts	none	n/a	none	n/a	n/a	n/a	n/a	n/a
Michigan	none	no	yes	n/a	n/a	n/a	n/a	n/a
Minnesota	Minn. Stat. Ann. § 121A.0695	yes	none	yes	no	no	no	no

Chart prepared by the Anti-Defamation League

Updated March 2009

State	Anti-Bullying Statute	Requires Creation of School District Policy	Model Policy	Cyberbullying Provision	Enumerated Categories	Reporting Requirement	Notification Requirement	Training Requirement
Mississippi	none	n/a	none	n/a	n/a	n/a	n/a	n/a
Missouri	RSMo. 160.775	yes	none	yes	no	no	no	yes
Montana	none	n/a	yes	n/a	n/a	n/a	n/a	n/a
Nebraska	NE Rev. Stat. 79-267	yes	Bullying Policy	yes	no	no	no	no
	NE Rev. Stat. 79-2.137		Implementation Plan					
Nevada	NRS 388.121-139	yes	none	no	no	yes	yes	yes
New Hampshire	N.H. Rev. Stat. Ann. § 193-F:1-5	yes	none	no	no	no	yes	no
New Jersey	NJ St. 18A: 37.13-19	yes	yes	yes	yes	no	yes	yes
New Mexico	NMAC 6.12.7	yes	none	yes	yes	no	yes	no
New York	none	n/a	none	n/a	n/a	n/a	n/a	n/a
North Carolina	State Board of Education Policy SS-A-007	yes	none	no	no	yes	yes	yes
North Dakota	none	n/a	none	n/a	n/a	n/a	n/a	n/a
Ohio	Ohio Rev. Code Ann. § 3301.22	yes	Model Policy	no	no	yes	yes	yes
	Ohio Rev. Code Ann. § 3313.666		Policy & Implementation					
	Ohio Rev. Code Ann. § 3313.667		Powerpoint					
Oklahoma	OK St. § 70-24-100.2-5	yes	yes (p. 75)	yes	no	no	yes	no
Oregon	OR. Rev. Stat. Ann § 339.351,353,356,359,362,364	yes	none	yes	no	no	yes	no
Pennsylvania	24 PS 13-1302-A, 1303.1-A	yes	none	yes	no	no	yes	no
Rhode Island	R.I. Gen. Laws § 16-21-26	yes	yes	yes	no	no	yes	yes
	R.I. Gen. Laws § 16-21-24							
South Carolina	S.C.Code Ann. § 59-63-110,120,130,140,150	yes	yes	yes	no	no	yes	yes
South Dakota	none	n/a	none	n/a	n/a	n/a	n/a	n/a
Tennessee	Tenn. Code Ann. 49-6-1014,1015,1016,1017,1018,1019	yes	none	no	no	yes	yes	no
	HB 1950							
Texas	Tex. Educ. Code Ann. § 25.0342	no	none	no	no	no	no	no
	Tex.Educ.Code Ann.							
	Tex. Educ. Code Ann § 37.217							
Utah	Utah Code 53A-11a	yes	none	no	no	no	yes	yes
Vermont	16 V.S.A. § 1161a(a)	yes	Harassment Policy	no	yes	no	yes	yes
	16 V.S.A. § 565		Bullying Prevention Plan					
	16 V.S.A. § 11(a)(26) and (32)							
Virginia	Va Code Ann. § 8.01-220.1:2	yes	none	no	no	no	yes	no
	Va Code Ann. § 22.1-208.01							
	Va Code Ann. § 22.1-279.6							
Washington	A.RCW § 28A.300.285	yes	Sample Policy	yes	yes	no	yes	yes
	A.RCW 28A.600.480		Sample Procedure					
West Virginia	W.Va. Code Ann. 28-2C	yes	yes	no	no	no	yes	yes
Wisconsin	none	n/a	yes	n/a	n/a	n/a	n/a	n/a
Wyoming	none	n/a	none	n/a	n/a	n/a	n/a	n/a

V. ADL Model Anti-Bullying Statute



ANTI-DEFAMATION LEAGUE MODEL K-12 BULLYING PREVENTION STATUTE

(A) Prohibited Activities:

(1) Harassment, Intimidation, Bullying and Cyberbullying, prohibited:

(a) No student shall be subjected to harassment, intimidation, bullying, or cyberbullying in any public educational institution,

(i) During any education program or activity; or

(ii) While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or

(iii) Through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network of any public educational institution.

(b) As used in this Act, “harassment, intimidation, bullying or cyberbullying” means any written, verbal or physical act, or any electronic communication including, but not limited to, one shown to be motivated by a student’s actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional, or learning disability, gender, gender identity and expression, or other distinguishing personal characteristic, or based on association with any person identified above, when the written, verbal or physical act or electronic communication is intended to:

(i) Physically harm a student or damages the student's property; or

(ii) Substantially interfere with a student’s educational opportunities; or

(iii) Be so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(iv) Substantially disrupt the orderly operation of the school.

(c) As used in this Section, “electronic communication” means any communication through an electronic device including but not limited to a telephone, cellular phone, computer or pager, which communication includes but is not limited to E-Mail, instant messaging, text messages, blogs, mobile phones, pagers, online games, and Web sites.⁷

(B) School Board Requirements and Responsibilities

(1) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying and cyberbullying, which includes the definition in this Act.

(2) The school district shall involve students, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.⁸

(3) The policy shall contain, at a minimum, the following components:

(a) Notice

(i) A statement prohibiting harassment, intimidation, bullying or cyberbullying of a student, as defined above;

(ii) A statement prohibiting retaliation or false accusation against a target, witness or one with reliable information about an act of bullying, harassment and intimidation;

(iii) A requirement that all students are protected regardless of their status under the law;

⁷ Source: (A)(1)(a) adapted from [FS 1006.147](#); [A.C.A. § 6-18-514](#); [AZ.R.S. Ann. § 15-341](#)

(A)(1)(b) adapted from [WA St. 28A.300.285](#); [NJ 18A 37-14](#); [Iowa Code Ann. § 280.28](#)

(A)(1)(c) adapted from [MD. Ann. Ed § 7-424](#)

⁸ Source: (B)(2) [FS 1006.147](#)

- (iv) A statement of how the policy is to be publicized, including requirements that: annual written notice of the policy is provided to parents, guardians, staff, volunteers, and students, with age appropriate language for students; the policy is posted throughout all schools in the district, including but not limited to cafeterias, school bulletin boards, administration offices, and the school district's Web site; and the policy is included in all student and employee handbooks;
- (v) A procedure for providing immediate notification to the parents or guardian of a victim of, harassment, intimidation, bullying or cyberbullying and the parents or guardian of the perpetrator of the harassment, intimidation, bullying or cyberbullying;
- (vi) The identification by job title of school officials responsible for ensuring that the policy is implemented.
- (vii) A statement that this policy will apply to an electronic communication whether or not this conduct originated on school property or with school equipment so long as:
 - (1) a reasonable person should know, under the circumstances, that the act will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his or her person or damage to his or her property; and has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school; or
 - (2) the act is directed specifically at students and intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.⁹

⁹ Source: (B)(3)(a)(i) [ORS §339.356\(2\)\(a\)-\(b\)](#)
 (B)(3)(a)(ii) [Alaska Stat. § 14.33.200-250](#)
 (B)(3)(a)(iii) [Utah Code 53A-11a](#)
 (B)(3)(a)(vi) adapted from [A.C.A. § 6-18-514](#); [FLS § 1006.147](#)
 (B)(3)(a)(v) [FLS § 1006.147](#)
 (B)(3)(a)(vi) [ORS §339.362](#)
 (B)(3)(a)(viii) adapted from [A.C.A. § 6-18-514\(b\)\(2\)](#) and [NJ St 18A:37-14\(2\)](#)

(b) Reporting and Investigations

(i) A procedure for reporting an act of harassment, intimidation, bullying or cyberbullying, including a provision that permits a person to report such act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;

(ii) A requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of harassment, intimidation, bullying or cyberbullying shall immediately report it to the principal or the principal's designee;

(iii) A procedure for each school to document any prohibited incident that is reported and a procedure to report all incidents of, harassment, intimidation, bullying or cyberbullying and the resulting consequences, including discipline and referrals, to the Board of Education on a semi-annual basis;

(iv) A procedure for reporting to law enforcement all acts of harassment, intimidation, bullying or cyberbullying which may constitute criminal activity.¹⁰

(v) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;

(c) Remedies and Victim Assistance

(i) Consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyberbullying;

(ii) Consequences and appropriate remedial action for a student found to have falsely accused another as a means of retaliation, reprisal, or as a means of harassment, intimidation, bullying or cyberbullying;

¹⁰ Source: (B)(3)(b)(i) [NJ St 18A:37-15\(b\)\(5\)](#)
(B)(3)(b)(ii) [A.C.A. § 6-18-514\(b\)\(4\)](#)
(B)(3)(b)(iii) [WV ST 18-2C-3\(b\)\(6\)](#); [Kentucky Acts Chap. 125](#)
(B)(3)(b)(iv) [Utah Code 53A-11a](#)

(iii) A strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, and appropriate family members, affected by harassment, intimidation, bullying or cyberbullying, as necessary;

(iv) A statement encouraging public schools and school districts to form bullying prevention task forces, programs, and other initiatives involving school staffs, pupils, administrators, volunteers, parents, law enforcement, community members, and other stakeholders.¹¹

(4) Training and Assessment

Each School District shall provide the following educational programs in its efforts to prevent harassment, intimidation, bullying or cyberbullying:

(a) Annual training for administrators, school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of, harassment, intimidation, bullying or cyberbullying; and

(b) An educational program for students and parents in preventing, identifying, responding to, and reporting incidents of, harassment, intimidation, bullying or cyberbullying.¹²

(C) State Board of Education Requirements and Responsibilities

The State Board of Education shall:

- (1) Develop a model policy and training materials on the components that should be included in any district policy;
- (2) Periodically review school district programs, activities, and services to determine whether the school boards are complying with this statute;

¹¹ Source: (B)(3)(c)(i) [NJ St 18A:37-15\(b\)\(4\)](#)
(B)(3)(c)(ii) [NJ St 18A:37-15\(b\)\(9\)](#)
(B)(3)(c)(iii) adapted from [FLS § 1006.147](#)
(B)(3)(c)(iv) [R.I. Gen. Laws § 16-21-26](#)

¹² Source: (B)(4)(a) adapted from [NJ ST 18A:37-17\(b\)-\(c\)](#) and [FLS § 1006.147](#)
(B)(4)(b) adapted from [MD. Ann. Ed § 7-424](#)

- (3) Compile and make available to all schools a list of programs appropriate for the prevention of harassment, intimidation, bullying or cyberbullying of students;
- (4) Establish and maintain a central repository for the collection and analysis of information regarding harassment, intimidation, bullying or cyberbullying as defined in this statute;
- (5) Report to the state legislature annually on the current levels and nature of harassment, intimidation, and bullying in the schools and the effectiveness of school policies under this statute in combating harassment, intimidation, bullying or cyberbullying, including recommendations for appropriate actions to address identified problems.¹³

(D) Immunity

A school employee, school volunteer, student, parent or guardian who promptly reports in good faith an act of harassment, intimidation, bullying or cyberbullying to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.¹⁴

(E) Qualification for Safe Schools Funding

(1) Distribution of safe schools funds to a school district is contingent upon the State Board of Education approval of the school district's anti-bullying policy. The Board's approval of each school district's anti-bullying policy shall be granted upon certification by the Board that the school district's policy has been submitted to the Board and is in substantial conformity with the Board's model anti-bullying policy.

¹³ Source: (C)(1) adapted from [A.C.A. § 6-18-514\(e\)](#)
(C)(2) [Wash. Rev. Code 28A.300.285\(4\)](#)
(C)(3) [OK St. § 70-24-100.2-5](#)
(C)(4) adapted from [Kentucky Acts Chap. 125](#)
(C)(5) adapted from [MD. Ann. Ed § 7-424](#)

¹⁴ Source: (D) adapted from [A.C.A. § 6-18-514\(b\)\(2\)](#) and [NJ St 18A:37-14\(2\)](#)

(2) Distribution of safe schools funds provided to a school district shall be contingent upon and payable to the school district upon the school district compliance with all reporting procedures contained in this section.¹⁵

(F) Preclusion

(1) This act shall not be interpreted to prevent a target from seeking redress under any other available law either civil or criminal.

(2) Nothing in this statute is intended to infringe upon the right of a school employee or student to exercise their right of free speech.¹⁶

(G) Severability

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.¹⁷

¹⁵ Source: (E) adapted from [FS 1006.147](#) and [14 Del. Code Ann. § 4112D](#)

¹⁶ Source: (F)(1) [NJ ST 18A:37-18](#)
(F)(2) [Utah Code 53A-11a-301\(6\)](#)

¹⁷ Source: (G) [FS 1006.147](#)

VI. Model School Internet Acceptable Use Policy

While this toolkit is focused on advocacy in state legislatures, it is also important to be able to make suggestions to schools about implementation. One important way to fulfill the “Notice” requirement to let students and parents know what is unacceptable behavior is to create a “School Internet Acceptable Use Policy” and insist that students and parents sign it.

A good Acceptable Use Policy will encourage acceptable behavior by outlining the terms and conditions of Internet use. The Agreement should provide a written description of the consequences for wrongful action, and sets out the positive uses for the Internet in school.

We have included two resources that can be used when discussing this with schools:

- (1) Education World®, an online resource for educators, offers suggestions for educators developing a workable Acceptable Use Policy for their schools
- (2) The Department of Justice Computer Crime & Intellectual Property Section has developed a model Acceptable Use Policy for schools.

Education World®'s guidelines for an acceptable use policy can be found at: http://www.education-world.com/a_curr/curr093.shtml, and below:

What is an AUP?

The National Education Association suggests that an effective AUP contain the following six key elements:

- A definition section,
- A policy statement,
- An acceptable uses section,
- An unacceptable uses section, and
- A violations/ sanctions section.

The **preamble** explains why the policy is needed, its goals, and the process of developing the policy. This section should say that the school's overall code of conduct also applies to student online activity.

The **definition section** defines key words used in the policy. Words and terms such as Internet, computer network, education purpose, and other possibly ambiguous terms need to be defined and explained to ensure student and parent comprehension.

A **policy statement** must tell what computer services are covered by the AUP and the circumstances under which students can use computer services. Schools may, for example, base student access to computer services on the completion of a "computer responsibility" class that will enhance student understanding of the AUP guidelines.

The **acceptable uses section** must define appropriate student use of the computer network. It may, for example, limit student use of the network to "educational purposes," which then must be defined.

In the **unacceptable uses section**, the AUP should give clear, specific examples of what constitutes unacceptable student use. In determining what is unacceptable, the committee charged with drafting the AUP must consider

- "what kind of computer network sites, if any, should be off limits to students;

- what kind of student sending, forwarding, or posting of information, if any, should be prohibited, and
- what kind of student behavior will be destructive to the computer network services and should, therefore, be restricted."

Among the sites that might be off limits to students are chat rooms and term paper vendors. In addition, AUPs often prohibit students from sending, forwarding, or posting sexually explicit messages, profanity, and harassing or violent messages.

The **violations/sanctions section** should tell students how to report violations of the policy or whom to question about its application. "As a practical matter," says the NEA, "the AUP may simply provide that violations will be handled in accordance with the school's general student disciplinary code."

MODEL ACCEPTABLE USE POLICY INFORMATION TECHNOLOGY RESOURCES IN THE SCHOOLS

Adapted from the United States Department of Justice www.cybercrime.gov

The school's information technology resources, including email and Internet access, are provided for educational purposes. Adherence to the following policy is necessary for continued access to the school's technological resources:

Students must

1. Respect and protect the privacy of others.
 - Use only assigned accounts.
 - Not view, use, or copy passwords, data, or networks to which they are not authorized.
 - Not distribute private information about others or themselves.
2. Respect and protect the integrity, availability, and security of all electronic resources.
 - Observe all network security practices, as posted.
 - Report security risks or violations to a teacher or network administrator.
 - Not destroy or damage data, networks, or other resources that do not belong to them, without clear permission of the owner.
 - Conserve, protect, and share these resources with other students and Internet users.
3. Respect and protect the intellectual property of others.
 - Not infringe copyrights (no making illegal copies of music, games, or movies!).
 - Not plagiarize.
4. Respect and practice the principles of community.
 - Communicate only in ways that are kind and respectful.
 - Report threatening or discomfoting materials to a teacher.
 - Not intentionally access, transmit, copy, or create material that violates the school's code of conduct (such as messages that are pornographic, threatening, rude, discriminatory, or meant to harass).
 - Not intentionally access, transmit, copy, or create material that is illegal (such as obscenity, stolen materials, or illegal copies of copyrighted works).
 - Not use the resources to further other acts that are criminal or violate the school's code of conduct.
 - Not send spam, chain letters, or other mass unsolicited mailings.

- o Not buy, sell, advertise, or otherwise conduct business, unless approved as a school project.

Students may, if in accord with the policy above

1. Design and post web pages and other material from school resources.
2. Use direct communications such as IRC, online chat, or instant messaging with a teacher's permission.
3. Install or download software, if also in conformity with laws and licenses, and under the supervision of a teacher.
4. Use the resources for any educational purpose.

Consequences for Violation. Violations of these rules may result in disciplinary action, including the loss of a student's privileges to use the school's information technology resources.

Supervision and Monitoring. School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that uses are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

I ACKNOWLEDGE AND UNDERSTAND MY OBLIGATIONS:

_____	_____
Student	Date
_____	_____
Parent/Guardian	Date

PARENTS, PLEASE DISCUSS THESE RULES WITH YOUR STUDENT TO ENSURE HE OR SHE UNDERSTANDS THEM.

THESE RULES ALSO PROVIDE A GOOD FRAMEWORK FOR YOUR STUDENT'S USE OF COMPUTERS AT HOME, AT LIBRARIES, OR ANYWHERE.

VII. Anti-Bullying Resources

1. Criminal Justice Information Service Division. "Hate Crime Statistics, 2007." Federal Bureau of Investigation. 2008, March 18, 2009
<http://www.fbi.gov/ucr/hc2007/incidents.htm>
2. Dinkes, Rachel, Forrest, Emily C. Lin-Kelly, Wendy and Snyder, Thomas D. Indicators of School Crime and Safety: 2007 Washington, DC: Institute of Educational Science and Bureau of Justice Statistics, December 2007
<http://nces.ed.gov/pubs2008/2008021.pdf>
3. Espelage, Dorothy L. and Swearer, Susan M. "Research on School Bullying and Victimization: What Have We Learned and Where Do We Go From Here?" School Psychology Review 32.3 (2003): pg 365-383
<http://www.questia.com/googleScholar.qst?docId=5002058631>
4. Hinduja, S. and Patchin, J. W. Bullying Beyond the Schoolyard: Preventing and Responding to Cyberbullying. California: Corwin Press, 2008--
http://books.google.com/books?hl=en&lr=&id=XkdofbF3RbEC&oi=fnd&pg=PR8&dq=%22Hinduja%22+%22Bullying+Beyond+the+Schoolyard:+Preventing+and+...%22+&ots=O_PeazC2IH&sig=ayHfIVxW3SYYur1Rbv5DZ4aexg#PPP1,M1
5. Hinduja Sameer and Patchin, J.W. "Bullies Move Beyond the Schoolyard: A preliminary Look at Cyberbullying" Youth Violence and Juvenile Justice 4 (2006): pg 148-169 <http://yvj.sagepub.com/cgi/content/abstract/4/2/148>
6. Hinduja Sameer and Patchin, J.W. "Cyberbullying: An Exploratory Analysis of Factors Related to Offending and Victimization," Deviant Behavior 29.2 (2008): pg 129-156 --
<http://www.informaworld.com/smpp/content~content=a790327311~db=all>
7. Kowalski, Robin M. and Limber, Susan P. "Electronic Bullying Among Middle School Students," Journal of Adolescent Health 41 (2007): pg 22-30 --
[http://www.jahonline.org/article/S1054-139X\(07\)00361-8/fulltext](http://www.jahonline.org/article/S1054-139X(07)00361-8/fulltext)
8. Lenhart, Amanda and Madden, Mary. Teens, Privacy & Online Social Networks: How Teens Manage Their Online Identities and Personal Information in the Age of MySpace. Washington, DC: Pew Internet and

American Life Project, 2007 --

http://www.pewinternet.org/~media//Files/Reports/2007/PIP_Teens_Privacy_SNS_Report_Final.pdf.pdf

9. Markow, Dana Ph.D., and Fein, Jordan. From Teasing to Torment: School Climate in America. New York: Harris Interactive and Gay and Lesbian Straight Education Network, 2005 -- http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/499-1.pdf
10. Moessner, Chris. "Cyberbullying". Trends & Tudes 6.4 (2007): pg 1-5 -- http://www.harrisinteractive.com/news/newsletters/k12news/HI_TrendsTudes_2007_v06_i04.pdf
11. Shariff, Shaheen and Hoff, Diane L. "Cyber bullying: Clarifying Legal Boundaries for School Supervision in Cyberspace." International Journal of Cyber Criminology. 1.1 (2007)-- <http://www.cybercrimejournal.co.nr/> (link under previous issues)
12. Stop Bullying Now. "What Adults Can Do." United States Department of Health and Human Services. 2006, March 18, 2009
<http://stopbullyingnow.hrsa.gov/adult/indexAdult.asp?Area=allaboutbullying>
13. Strom, Kevin J. Special Report: Hate Crimes Reported to NIBRS, 1997-99. Washington, DC: United States Department of Justice- Office of Justice Programs, September 2001
<http://www.ojp.usdoj.gov/bjs/pub/pdf/hcrn99.pdf>
14. Willard, Nancy. "An Educator's Guide to Cyberbullying and Cyberthreats". Center for Safe and Responsible Internet Use. January, 2008.
<http://www.mcps.org/admin/Technology/TRTWebpage/WordDocuments/Internetsafetydocuments/cyberbully.pdf>
15. Williams, Kirk R. and Guerra, Nancy G. "Prevalence and Predictors of Internet Bullying," Journal of Adolescent Health 41(2007): pg 14-21 --
<http://www.jahonline.org/article/PIIS1054139X0700362X/fulltext>
16. Wolak Janis, Mitchell, Kimberly, and Finkelhor, David. Online Victimization of Youth: Five Years Later. University of New Hampshire: Crimes Against Children Research Center, 2006 -- <http://www.unh.edu/ccrc/pdf/CV138.pdf>

17. Ybarra, Michele, Diener-West, Marie, and Leaf, Philip J. "Examining the Overlap in Internet Harassment and School Bullying: Implications for School Intervention," Journal of Adolescent Health 41: pg 42-50 --
<http://www.jahonline.org/article/PIIS1054139X07003692/abstract>

VIII. Sample Releases, Testimony and Fliers

ADL STATEMENT ANTI-BULLYING LEGISLATION SAFE SCHOOLS COALITION PRESS CONFERENCE – MARCH 12TH 2007

Tallahassee, FL – March 12, 2007 ...Good afternoon.

The Anti-Defamation League is a national human relations and civil rights organization which combats anti-Semitism and all forms of bias, prejudice and bigotry.

ADL is very concerned about the bullying and harassment that occurs every day in Florida and America's schools. ADL considers legislation that addresses this issue vitally important.

Increases in youth violence and hate crimes, school harassment and bullying pose huge threats to student safety, academic achievement and the ability of schools to prepare each of tomorrow's citizens to live peaceably in a nation that is becoming increasingly diverse.

The League has played a lead role in crafting hate crime laws, and we have developed considerable expertise about effective means of confronting bullying and harassment based on ethnic stereotypes, as well personality and individual characteristics, in elementary and secondary schools.

Our children need an anti-bullying law and there is clear consensus that such legislation must be enacted. To be effective and constitutional, however, the definition of bullying must have broadly-inclusive, delineated categories similar to those found in Florida's Bias Crime law.

This year progress has been made. As introduced, the definition of bullying in HB575 and SB114 includes sexual, racial and religious harassment. However, to protect all of our students

these categories must be expanded to include the two most common forms of in-school bullying and harassment – harassment based on physical appearance and sexual orientation.

We therefore would urge the House and Senate to support a floor amendment adding the categories of physical appearance and sexual orientation to the bills' definition of bullying.



FOR IMMEDIATE RELEASE

BROWARD SCHOOL BOARD
ANTI-BULLYING POLICY A MODEL FOR OTHER DISTRICTS

Boca Raton, FL...July 24, 2008 ... The Anti-Defamation League (ADL) applauds the Broward County School Board's recent approval of the strongest anti-bullying and harassment policy in the state. This comprehensive policy should serve as a model to school districts throughout Florida.

A newly enacted state anti-bullying law (HB669) requires all school districts to adopt anti-bullying policies by December 1, 2008. The law requires that polices protect all students, and ADL played a lead role in securing its passage.

The new Broward County policy puts the district at the forefront of efforts to address the epidemic of bullying and harassment in our public schools. It goes well beyond the basic requirements of HB669 and exemplifies its legislative intent by ensuring that all children are truly protected, including students who are bullied because of their ancestry, color, disability, ethnicity, gender, gender identity or expression, national origin, religion, race, or sex.

“We applaud the Broward County School Board's leadership and commitment to stopping bullying and harassment in our schools,” said Andrew Rosenkranz, ADL Florida Regional Director. “The policy is a major step forward and we would encourage other school districts to use it as a tool in the development of their own policies.”

The Anti-Defamation League, founded in 1913, is the world's leading organization fighting anti-Semitism through programs and services that counteract hatred, prejudice and bigotry.



AN ACT RELATIVE TO THE PREVENTION OF BULLYING

House Docket No. 3250
House Bill No. 483

- Based on ADL's multistate model legislation for bullying prevention.
- Most comprehensive of the various anti-bullying bills introduced in January 2009.
- Addresses harassment, intimidation, bullying, or cyberbullying in any public educational institution.
- Defines bullying as unwelcome written, electronic, verbal or physical acts or gestures where a student feels coerced, intimidated, harassed or threatened.
- Requires School Boards to adopt anti-harassment and bullying policies.
- Requires Departments of Elementary and Secondary Education to develop a model policy and training materials, to review school districts for compliance, and to submit annual reports to the state legislature.
- Does not infringe on an individual's right to free speech.
- Does not create new grounds for a lawsuit.

WHY IS ADL ADVOCATING FOR AN ANTI-BULLYING LAW?

- All students have the right to participate fully in the educational process, free from harassment and bullying.
- Students learn by example, and so administrators should set a tone of civility and respect, and refuse to tolerate bullying and harassment.
- A law would give schools the power to address bullying. Without a law, school districts may take their time in creating policies, or may not actually enforce policies. With a law, school districts can take direction from the State Education Board, who can take direction from lawmakers.
- ADL's mission in fighting hate and prejudice does not end at the school house doors. We continue our work so all children feel truly protected, including students who are bullied because of their ancestry, color, disability, ethnicity, gender, gender identity or expression, national origin, religion, race, or sex. Further, over the past number of years, it has become clear that new technologies have enabled bullying to take a new and ubiquitous form in cyberbullying, and so the time for action is ripe and necessary.

FACTS ABOUT BULLYING IN AMERICA

- Almost 30 percent of sixth to tenth graders in the USA (or over 5.7 million kids) are estimated to be involved in bullying as either a bully, a target of bullying, or both.
- In surveys of third through eighth graders in 14 Massachusetts schools, nearly half who had been frequently bullied reported that the bullying had lasted six months or longer (Mullin-Rindler, 2003).
- 160,000 children skip school everyday because of intimidation by their peers.
- The most frequent types of bullying behavior include:
 - Belittling about religion or race
 - Belittling about looks or speech
 - Hitting, slapping or pushing (Males are more likely to be targets)
 - Rumors (Females are more likely to be targets)
 - Sexual comments or gestures (Females are more likely to be targets)
- Stresses of being bullied can interfere with student's engagement and learning in school (NEA Today, 1999).
- Children and youth who are bullied are more likely than other children to be depressed, lonely, anxious, have low self-esteem, feel unwell, and think about suicide (Limber, 2002; Olweus, 1993).
- Students who are bullied may fear going to school, using the bathroom, and riding on the school bus (NEA, 2003).
- In a survey of third through eighth graders in 14 Massachusetts schools, more than 14 percent reported that they were often afraid of being bullied (Mullin-Rindler, 2003).
- Bullying also has an impact on other students at school who are bystanders to bullying (Banks, 1997). Bullying creates a climate of fear and disrespect in schools and has a negative impact on student learning (NEA, 2003).
- Bullying has been linked with serious school violence, shootings, and hazing incidents (Nansel et al., 2001; U.S. Department of Education, 1998).
- Children who bully are more likely than their peers to:
 - Get into frequent fights,
 - Be injured in a fight,
 - Vandalize property,
 - Steal property,
 - Drink alcohol,
 - Smoke,
 - Be truant from school,
 - Drop out of school, and
 - Carry a weapon (Nansel et al., 2001, 2003; Olweus, 1993).
- Boys who were identified as bullies in middle school were four times as likely as their non-bullying peers to have more than one criminal conviction by age 24 (Olweus, 1993).



March 20, 2009

Representative Larry M. Bell and Representative Marvin W. Lucas
North Carolina House of Representatives
Education Committee Chairs
300 N. Salisbury Street
Raleigh, NC 27603-5925

Dear Representative Bell and Representative Lucas:

We are writing in support of HB 548: "The School Violence Prevention Act"

The Anti-Defamation League (ADL) is one of the nation's oldest civil rights organizations committed to combating hatred and bigotry in all forms. Founded in 1913, ADL has long been at the forefront of national, state, and local efforts to deter and counteract intolerance and hatred. Through ADL's A WORLD OF DIFFERENCE® anti-bias educational programs, we have seen the importance of addressing bullying proactively and believe that all students have the right to participate fully in the educational process, free from harassment and bullying.

Bullying remains a problem that schools throughout the country are currently facing and can have tragic consequences for individuals, families, schools and communities. Over 5.7 million American school children between grades six through ten are estimated to be involved in bullying as either a bully, or target of bullying, or both. Children and youth who are bullied are more likely than other children to suffer from depression, loneliness, anxiety, low self-esteem, and thoughts of suicide. Everyday, 160,000 children skip school because of intimidation by their peers.

Children who bully are more likely than their peers to engage in physical violence, property theft, vandalism, smoking, drinking alcohol, school absenteeism, and often times, fail to graduate. Boys who were identified as bullies in middle school were four times as likely as their non-bullying peers to have more than one criminal conviction by age twenty-four.

Increases in youth violence and hate crimes, school harassment and bullying pose huge threats to student safety, academic achievement and the ability of schools to prepare each of tomorrow's citizens to live peacefully in a nation that is becoming increasingly diverse.

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It is for these reasons that we urge the Education Committee to vote in favor of HB 548: "The School Violence Prevention Act." This legislation will play a critical role in ensuring that North Carolina's children have access to safe learning environments free of all forms of bullying and harassing behavior. It is incumbent on school administrators to adopt policies on how to investigate and punish bullying and harassment and this important legislation will ensure that policies are developed and implemented.

Thank you for your time and attention to this important issue.

CC: Representative Susan C. Fisher, Sponsor
Representative Rick Glazier, Sponsor
Representative Grier Martin, Sponsor
Representative Cullie M. Tarleton, Sponsor