U.S. Department of Education

Analysis of State Bullying Laws and Policies

Analysis of State Bullying Laws and Policies

Submitted to

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Policy and Program Studies Service

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Executive Summary

Bullying in schools has become widely viewed as an urgent social, health, and education concern that has moved to the forefront of public debate on school legislation and policy. Increasingly, elected officials and members of the school community have come to view bullying as an extremely serious and often neglected issue facing youths and local school systems (Swearer, Limber, & Alley, 2009). The focus on youth bullying has intensified over the past 12 years as a catalyzed reaction to school violence that is often linked explicitly or by inference to bullying. The Columbine High School shooting in 1999 was the first of many high-profile incidents of violent behavior that appeared to implicate bullying as an underlying cause (Greene & Ross, 2005). The incident ignited a wave of new legislative action within state legislatures that aimed to curtail bullying behavior on school campuses or to mitigate its effects. The trend was later fueled by a number of highly visible suicides among school-age children and adolescents that were linked to chronic bullying, attracting national attention to the issue (Marr & Field, 2001). The heightened visibility has coincided with an expansion of research knowledge identifying a range of serious and long-term consequences associated with bullying behavior, such as increased depression, substance use, aggressive impulses, and school truancy (Nansel, et al., 2001; Roland, 2002; Klomek, et al., 2007; Gastic, 2008; O'Brennan, Bradshaw, & Sawyer, 2009; Juvonen, 2009). Together these factors have placed increased pressure on governments and school systems for solutions to more effectively prevent or reduce bullying in schools.

To address these issues, in August 2010, the U.S. Department of Education and U.S. Department of Health and Human Services cohosted the first Federal Partners in Bullying Prevention Summit, which brought together government officials, researchers, policymakers, and education practitioners to explore potential strategies to combat bullying in schools. This summit highlighted the need for more comprehensive information about the current status of state legislation, as well as information on how existing laws and policies translate into practice within elementary and secondary school systems.

To address this gap in information, the U.S. Department of Education, Program and Policy Studies Service, initiated a study designed to answer the following study questions:

1. *To what extent do states' bullying laws cover U.S. Department of Education-identified key legislative and policy components?*
   The first study question concerns the need for an informative and clearly focused analysis of state legislation to describe the purpose and structure of laws and their definitions, key provisions, similarities, and differences. To address this question, the study includes a systematic review and coding of components in laws governing K–12 education. The review identifies the types of provisions that are addressed in legislation and measures their expansiveness. The review of legislation is based on a framework conceptualized by the U.S. Department of Education ("the Department") that was disseminated to school districts nationally and is presented in Exhibit 1 in Chapter 1 of the report (U.S. Department of Education, 2010a). The review covers legislation enacted through April of 2011, across the 50 U.S. states.
2. *To what extent do states' model bullying policies cover U.S. Department of Education-identified key legislative and policy components?*
   The second study question focuses on the nature and content of model policies and guidance

documents that have been developed by state education agencies, or school boards associations, pursuant to legislation. These policies guide and support district efforts to develop and implement effective bullying policies. The study reviews and systematically codes model policy documents available for 41 states to determine the coverage and expansiveness of key components.

3. *To what extent do school districts' bullying policies cover U.S. Department of Education-identified school district policy subcomponents?*
   The third study question focuses on the structure and content of bullying policies developed at the local school district level that directly shape implementation within the school environment. The study involves a systematic review and coding of components in district policies for a small sample of urban and rural school districts that was selected to incorporate the geographic and community diversity of U.S. school districts. The analysis aims to determine the types of definitions and policy components that are present in local policy documents in addition to providing a measure of their expansiveness. The analysis also examines the relationship between state legislation and local policy development (e.g., the degree to which state legislation shapes local policy).
4. *How are state laws translated into practice at the school level?*
   The final study question focuses on how bullying laws and their legislative requirements are implemented by school districts and schools. The question will be answered through a series of case studies conducted at 24 school sites across four states. The purpose of the case studies will be to highlight lessons from the field on how state legislation and model policies are shaping implementation of bullying programs and procedures, and to assess the ways that state and district policies facilitate or create challenges for effective implementation.

The second study phase will be launched in the fall of 2011. The remainder of this summary provides highlights of the findings and conclusions across the full report.

Key Findings

- **Forty-six states have bullying laws and 45 of those laws direct school districts to adopt bullying policies. However, three of the 46 states prohibit bullying without defining the behavior that is prohibited.**
- **Thirty-six states include provisions in their education codes prohibiting cyberbullying or bullying using electronic media. Thirteen states specify that schools have jurisdiction over off-campus behavior if it creates a hostile school environment.**
- **Forty-one states have created model bullying policies, 12 of which were not mandated to do so under law. Three other states, including Hawaii, Montana, and Michigan, also developed model policies in the absence of state bullying legislation.**
- **Among the 20 school district bullying policies reviewed in this study, districts located in states with more expansive legislation produced the most expansive school district policies. However, several school districts in states with less expansive laws also substantially expanded the scope and content of their policies beyond the minimum legal expectations.**

State Bullying Laws

In the aftermath of the 1999 Columbine shootings and in response to a bullying-related suicide, the state of Georgia became the first state to pass bullying legislation, which required schools to implement character education programs that explicitly addressed bullying prevention. Since that time, there has been a wave of new legislation at the state level to define acts of bullying in the school context and to establish school or district policies that prohibit bullying behavior. Exhibit A shows that from 1999 to 2010 there were more than 120 bills enacted by state legislatures nationally that have either introduced or amended education or criminal statutes to address bullying and related behaviors in schools. Twenty-one new bills were passed in 2010 and eight additional bills were signed into law through April 30, 2011. With the spate of legislation passed in recent years, there are only four remaining states (Hawaii, Michigan, Montana, and South Dakota) without bullying laws.[1]

Exhibit A. Number of state bullying laws enacted by year: 1999–2010

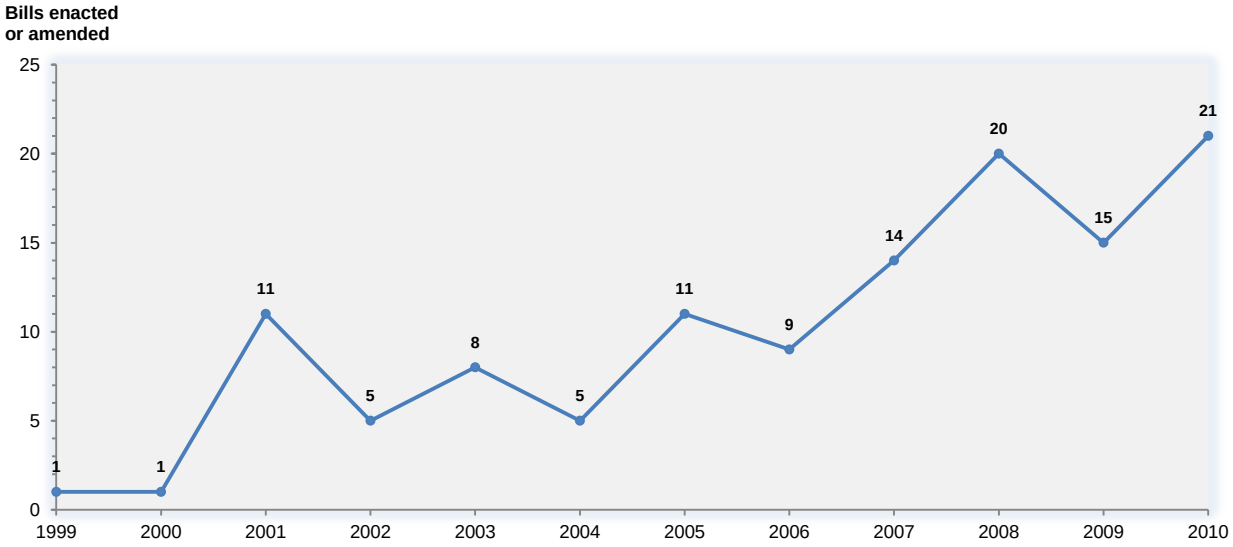


Exhibit reads: One state enacted bullying legislation in 1999.

Note: Analyses in this report reflects state bullying legislation enacted through April 30, 2011. The analyses do not reflect the recent enactment of House Bill 688 in the state of Hawaii, or amendments to other states' legislation that occurred after April 30, 2011, including, but not limited to, new laws passed in California, Rhode Island, Tennessee, and Texas during their states' 2011 legislative sessions.

Source: State bullying laws enacted through April 30, 2011.

Profile of State Legislation

Because all but a few states have passed multiple laws, amendments, or revisions that address bullying in schools, profiling the current status of legislation in states required identifying multiple provisions currently in the education code, or, in a few instances, in the criminal code. To profile the content and scope of bullying laws across states, this report adapted a framework developed by the U.S. Department of Education and identified in its December 2010 Dear Colleague Letter that organizes legislative and policy provisions in bullying laws into 11 categories or key components. This study does not evaluate the impact of such components.

[1] Analyses in this report reflect enacted bullying legislation as of April 2011. These analyses do not include the enactment of Hawaii's bullying legislation, House Bill 688, which was signed into law on July 11, 2011.

The content of each states' legislation was mapped onto the 11 components of bullying laws identified by the Department to assess both the coverage (i.e., did the law include *any* provision related to this component of bullying law?) and expansiveness (i.e., what was the scope and detail of the provisions addressing this component?) of legislation for each state. Exhibit B briefly summarizes the content of the 11 components and six district policy subcomponents used to profile state legislation. The display groups components by four focus areas.

1. *Purpose and Definition (four components)* concerns prohibitions of bullying and how behavior is defined. These provisions include the purpose of laws and policies, the scope of school jurisdiction for regulating these behaviors, the definition of behavior that is prohibited, and the enumeration of protected groups.
2. *District Policy Development and Review (two components)* concerns requirements for districts to develop and implement policies and for districts and state education agencies to review policies for compliance.
3. *School District Policy Components (one component—six policy subcomponents)* concerns provisions that assign responsibility for carrying out application of the law, and sets parameters concerning how this application will be carried out (e.g., how policies will be communicated, how records will be kept, how monitoring and other accountability procedures will be used).
4. *Additional Components (four components)* concerns how policies will be communicated, how monitoring and other accountability procedures will be used, the actions and interventions that may be undertaken to prevent bullying behavior, and assurances of legal remedies for victims.

Exhibit B. Description of U.S. Department of Education-identified key legislative and policy components and school district policy subcomponents

Component	Content
Definitions	
Purpose	Purpose of laws and policies and prohibitions against bullying
Scope	Scope of laws and policies (e.g., where policies apply)
Prohibited behavior	Specific behaviors defined as bullying
Enumerated groups	Group characteristics as target of intention
District policy development and review	
District policy	Development and implementation of policies
District policy review	Review of school district policies
District policy components	
Definitions	Definitions of prohibited behavior outlined in policies
Reporting	Responsibilities for reporting bullying incidents
Investigations	Responsibilities for investigating reports
Written records	Responsibilities for keeping records of incidents
Consequences	Consequences or sanctions for bullying perpetrators
Mental health	Counseling, services for victims/perpetrators
Additional components	
Communications	Communication of policy to students, parents, and school personnel.
Training/ prevention	Prevention and training for school personnel and students
Transparency/monitoring	Monitoring incidents and actions/public reporting
Legal remedies	Victim rights to pursue legal remedies

Source: Adapted from U.S. Department of Education (2010a)

Coverage

Exhibit C summarizes the degree to which state laws have language that addresses each of these components and district policy subcomponents, regardless of content or detail. There are significant differences in the number of the 46 states that address individual components. Forty-three state laws cover definitions of prohibited behavior that define bullying in operational terms (i.e., direct or indirect acts, patterns of behavior, motivation, and intent). The purpose statement, scope of laws, expectations for communication of policy, and consequences for students who bully are also covered broadly, addressed by 39, 44, 42, and 42 states, respectively. At the other extreme, mental health or other supportive services provisions for victims of bullying are covered in 13 state laws. Definitional components receive some of the strongest emphasis in state laws with the exception of the enumeration of groups, which is covered in 17 states. The enumeration of groups conveys specific protections for individuals with characteristics that may motivate bullying behavior (e.g. disability, lesbian, gay, bisexual, and transgender [LGBT] identity, race/ethnicity, or gender). As indicated in legislative debate and other policy discussion, this element represents a point of disagreement and contention in some contexts.

Exhibit C. State legislation coverage of U.S. Department of Education-identified key components, by number of states (n=46)

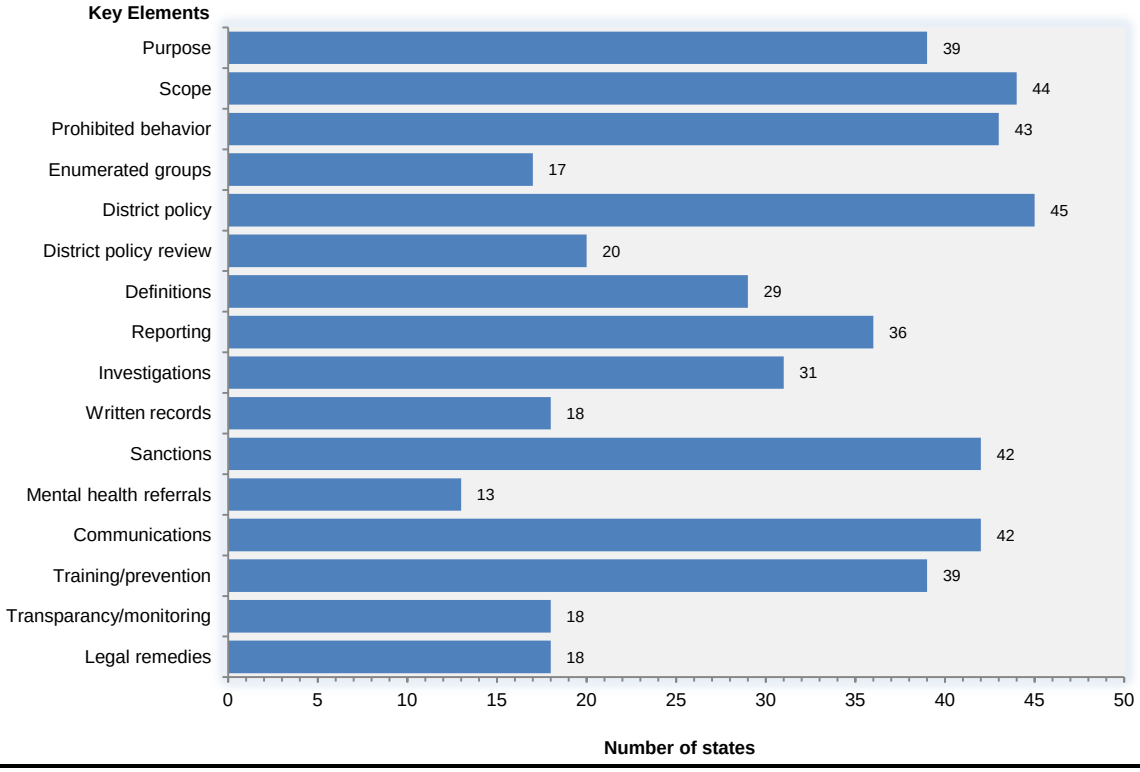


Exhibit reads: Thirty-nine state laws covered the purpose or intent of the law and prohibitions against bullying.

Source: State bullying laws enacted through April 30, 2011.

Exhibit D illustrates that among the 46 states with bullying legislation, Maryland and New Jersey are the only states that contains provisions covering all of the key components and school district policy subcomponents. Seventeen total states, including Maryland and New Jersey, cover between 13 and 16 components, and 17 others cover between nine and 12. Twelve states with legislation cover half or fewer components. States differ substantially in the number of components covered by their

legislation. Additionally, states also address each component in different ways and with different levels of detail and specificity.

Exhibit D. State law coverage of U.S. Department of Education-identified key legislative and policy components and subcomponents: Number of components and subcomponents covered in state laws, by number of states (n=46)

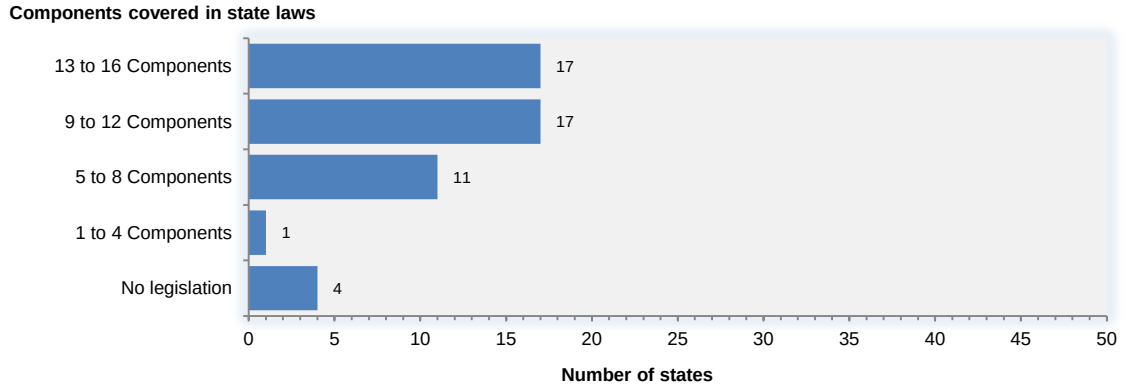


Exhibit reads: Seventeen state laws covered anywhere from 13 to 16 key components and district policy components.
Source: State bullying laws enacted through April 30, 2011.

Expansiveness

To provide a more precise differentiation of state legislation, each state's laws were systematically reviewed to assess their expansiveness. Coding criteria were developed for each component to identify language and provisions according to inclusiveness (e.g., more broadly defined prohibited behavior without limiting conditions or broader school jurisdiction over behavior), explicitness (e.g., use of concrete directives to convey policy expectations), degree to which less discretionary language was used, and degree to which mechanisms to ensure accountability were included with respect to components.

There were several shared characteristics among states with less expansive coverage of key components. These states typically included laws that required local school districts to adopt bullying policies but that failed to outline any requisite components. These states were also more likely to have laws that were constructed by amending existing statutes, rather than incorporating new sections of law that explicitly addressed bullying behavior.

State and School District Policies

State legislation sets the parameters for policy guidance at the state and school levels where policy is more directly related to implementation in schools. This section provides a brief summary of policy emphases at state and school district levels, and relates them to the state legislation.

State Model Policies and Guidelines

Twenty-seven states' laws encourage or require states to develop model policies addressing harassment, intimidation, or bullying, and 41 states have developed bullying policy models or state guidelines that are available for dissemination to local school districts. These documents provide specific guidance to school districts on how to draft district bullying policies and how to implement provisions outlined in the law. Most deadlines for completing policy documents were from 2007 forward.

Twenty-six of the 27 states with model policy requirements have developed state policies, as have 12 other states without any legal requirements. Three other states without bullying legislation—Hawaii, Michigan, and Montana—also have adopted state model policies and guidelines. These model policies may play an important role in closing gaps in bullying prevention and enforcement for districts and schools lacking clear direction under the law. Nine states nationally have not developed model bullying policies, although some may provide guidance to districts in other forms. South Dakota is the only state with no bullying law and no source of state guidance for schools to respond to bullying on their campuses.

State model policies and guidance document address most key components more frequently than state legislation. The greatest differences in coverage between the model policies and laws are found in the following areas:

- *Enumeration of protected groups*. Enumeration of groups is addressed in more than two-thirds (71 percent) of state model policies, whereas only a little over one-third of laws (37 percent) contain similar language on this component. This may reflect the fact that the inclusion of enumerated groups has been a focus of controversy in legislative and political debate in several states.
- *Investigations and use of written records*. School district policy requirements concerning the investigation of bullying incidents and the use of written records to document reports and investigation procedures are more frequently addressed in state policy than in legislation. This is consistent with the delegation of administrative detail to state agencies and local school districts.
- *Mental health referrals*. Provisions to address the mental health needs of students who bully and students who are targeted by bullying behavior are present in approximately half of all model policies (51 percent) compared to only one-quarter (28 percent) of state laws.
- *Transparency and monitoring*. State guidelines for school districts to report and compile bullying incidents are outlined in two-thirds (68 percent) of all state model policies, compared to approximately two-fifths (39 percent) of legislative statutes.

State model policies and guidance documents are less likely than state legislation to address two key components.

- *Victim rights to pursue legal remedies* were less frequently mentioned in state policy. This component pertains to assurances for victims of their legal rights under federal or state law and does not pertain to school or district jurisdiction.
- *Scope*. State model policies are also somewhat less likely to contain language regarding scope or jurisdiction of the law, although 88 percent of state model policies do address school jurisdiction in policy documents.

States that are among the top 10 in key component coverage in their laws also tend to be high in coverage of components in state policies. North Carolina is an exception, with state policy covering only five key components. On the other hand, states that are in the bottom 10 with respect to key coverage in their laws often have strong coverage in their state policies: examples include Colorado, Wisconsin, and Missouri. Clearly, strong state policy can be written without strong state legislation.

School District Policies

The study included a review of bullying policies in 20 school districts that varied by region and urbanicity. Key components that were common to nearly all local district policies include statements prohibiting bullying behavior, procedures for reporting, and discussions of consequences. This finding conforms to patterns in state legislation, which emphasize traditional approaches to managing bullying misconduct that involve reporting and investigating bullying complaints and imposing disciplinary actions.

Districts located in states with more expansive legislation tended to have more expansive local policies. Districts in states with less expansive legislation produced local policies that covered fewer key components in some cases. However, some district policies, such as those in Colorado and Texas, substantially expanded the scope and content of their policies beyond minimum standards required by law.

While this report focuses on documenting and profiling policy across the states, these policies may not benefit schools or students unless they can be successfully implemented. For example, legislation that defines prohibited bullying behaviors, and specifies graduated and substantial sanctions, will often require extensive implementation procedures, such as reporting requirements, investigation, and procedures for implementing the sanction (e.g., expulsion). Whether these necessary actions are feasible within resource constraints cannot be determined through a policy review alone. These questions require more information and represent the central focus of the second phase of the study.

I. Introduction

Background

Bullying in schools has become widely viewed as an urgent social, health, and education concern that has moved to the forefront of public debate on school legislation and policy. Increasingly, elected officials and members of the school community have come to view bullying as an extremely serious and often neglected issue facing youths and local school systems (Swearer, Limber, & Alley, 2009). The focus on youth bullying has intensified over the past 12 years as a catalyzed reaction to school violence that is often linked explicitly or by inference to bullying. The Columbine High School shooting in 1999 was the first of many high-profile incidents of violent behavior that was presumably tied to bullying as an underlying cause. It ignited a wave of new legislative action within state legislatures that aimed to curtail bullying behavior on school campuses (Greene & Ross, 2005). This initial trend was later fueled by a number of highly visible suicides among school-age children and adolescents that have been linked to chronic bullying and have attracted national attention to the issue. This heightened visibility has coincided with an expansion of research knowledge identifying a range of serious and long-term consequences associated with bullying behavior that include increased depression, substance use, aggressive impulses, and school truancy (Nansel, et al., 2001; Roland, 2002; Klomek, et al., 2007; Gastic, 2008; O'Brennan, Bradshaw, & Sawyer, 2009; Juvonen, 2009). These factors have placed greater pressure on governments and school systems for solutions to more effectively prevent or reduce bullying in schools.

Researchers have traditionally defined bullying as a repeated pattern of aggressive behavior that involves an imbalance of power and that purposefully inflicts harm on the bullying victim (Sherer & Nickerson, 2010; Limber, 2003; Olweus, 1993). Bullying assumes a variety of forms including direct physical or verbal actions that cause physical or emotional distress, or indirect acts of social aggression that are used to damage a victim's personal relationships or social standing (Sherer & Nickerson, 2010; Smith, et al., 2005). Although bullying occurs at any age, research indicates that more direct physical forms of bullying tend to escalate through elementary school and middle school and gradually decline as students reach high school, whereas verbal and indirect bullying typically increase through adolescence (Cohn & Canter, 2003).

Advances in communication technologies and the growth of social networking sites have added a new and complex dimension to the bullying problem that challenges many conventional assumptions about bullying behavior. 'Cyberbullying' is commonly defined as "willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices" (Hinduja & Patchin, 2008). Several aspects of cyberbullying behavior increase its propensity to damage or harm victims. Specifically, physical distance or separation between students who bully and those targeted as victims, as well as the difficulty identifying perpetrators, lessens personal accountability and encourages more cruel and abusive behavior (Shariff, 2009). The use of technology to rapidly transmit content to a wide audience also makes acts of cyberbullying highly visible, more pervasive and more permanent. Because cyberbullying is a relatively new phenomenon and because the victimization typically occurs in off-campus settings, it also imposes challenges for schools to effectively enforce policies without overreaching their legal authority (Hinduja & Patchin, 2011).

Although estimates of bullying prevalence vary across studies, surveys measuring schools' experiences managing bullying-related disciplinary issues suggest the problem is relatively widespread. The most recent national survey data on school violence and student safety available

from the National Center for Education Statistics (NCES) measures how frequently school administrators respond to disciplinary problems related to bullying on their school campuses. According to survey findings, about 39 percent of middle school administrators and 20 percent of administrators at the elementary and high school level reported that bullying took place on a daily or weekly basis. Nineteen percent of middle schools and 18 percent of high schools reported daily or weekly problems with cyberbullying, either at school or away from school (Neiman, 2011).

The NCES survey also measures how frequently students are the targets of bullying behavior (Robers, et al., 2010). The most recent data focusing on school-age youths ages 12–18 asks students if they had been bullied at school at any time during the past school year.[2] Twenty-one percent of those surveyed reported that they had been made fun of by their peers, 18 percent had been the subject of rumors, 11 percent had been pushed, shoved, tripped, or spit on, and 6 percent had been threatened with harm. These findings are comparable to other nationally representative surveys of high school-age students, which indicate that over a 12-month period as many as 20 percent of students experience bullying on school property (CDC, 2010).[3]

The NCES survey findings also provide national estimates on the prevalence of cyberbullying among school-age students, which indicates that about 4 percent of youths ages 12–18 had been cyberbullied in the year prior to the study (Robers, et al., 2010). Lifetime prevalence among 11–18 year-olds may reach as high as 20 percent according to other related studies. The NCES study also indicates that about the same percentage of students had been involved in the cyberbullying of other youths (Hinduja & Patchin, 2010).

School-based surveys conducted at the elementary and middle school grades suggest that bullying prevalence may be even higher among youths in lower grade levels. Data collected from more than 11,000 elementary and middle school students measuring overt and relational aggression found that 61 percent of girls and 60 percent of boys had been bullied one or more times a month by being "teased in a mean way," and that 22 percent of girls and 33 percent of boys had been threatened with physical harm. Forty-six percent of girls and 31 percent of boys experienced relational aggression in the form of being "ignored on purpose" (Nishioka, et al., 2011).

Improved estimates of bullying prevalence have been accompanied by an expansion in the body of research concerning the serious health and social consequences of bullying behavior. Previously accepted as a normative experience of childhood and adolescence that most children move past or outgrow, researchers now link bullying to a broad range of long-term harms for both students who bully and students who are bullied. One of the earliest large-scale studies of bullying prevalence in U.S. schools documented a relationship between bullying victimization and poor psychosocial adjustment, manifested in students' difficulty making friends, poorer relationships with peers, and

[2] Bullying was defined as "being made fun of; being the subject of rumors; being threatened with harm; being pushed, shoved, tripped, or spit on; being pressured into doing things did not want to do; excluded from activities on purpose; or having property destroyed on purpose." According to study findings, 32 percent of students reported being bullied at school in the year prior to the study and 7 percent reported being bullied "almost every day."

[3] Bullying was defined as "when 1 or more students tease, threaten, spread rumors about, hit, shove, or hurt another student over and over again. It is not bullying when 2 students of about the same strength or power argue or fight or tease each other in a friendly way. Students were asked "During the past 12 months, have you ever been bullied on school property?" and "During the past 12 months, have you ever been electronically bullied (including being bullied through E-mail, chat rooms, instant messaging, Websites, or texting.)?"

increased sense of loneliness (Nansel, et al., 2001). Research indicates that students who are bullied also show increased anxiety levels and psychosomatic symptoms and experience higher rates of eating disorders and aggressive-impulsive behavior problems (Craig, 1998; Gini, 2008; Kaltiala-Heino, Rimpela, Rantanen, & Rimpela, 2000; O'Brennan, Bradshaw, & Sawyer, 2009). Youths who are bullied have also been show to be at greater risk of developing poor self-esteem, depression, suicidal ideations, and suicide attempts (Patchin & Hinduja, 2010; Klomek, et al., 2007; Ivarsson, Broberg, Arvidsson, & Gillberg, 2005; Roland, 2002). Finally, studies have shown that youths who are chronically bullied demonstrate lower academic achievement and school connectedness, as well as higher rates of truancy and disciplinary problems (Juvonen, 2009; You et al., 2008; Gastic, 2008).

In addition to the negative outcomes experienced by bullied youths, students who engage in bullying behavior are at higher risk for long-term socio-emotional and physical health consequences than non-bullying involved youths. Research indicates that students who bully have higher substance use rates, poorer social skills, greater mental health problems, and exhibit increased aggressive-impulsive behaviors as adults (Houbre, Tarquinio, Thrillier, & Hergott, 2006; Niemela et al., 2011; O'Brennan, Bradshaw, & Sawyer, 2009; Kaltiala-Heino, Rimpela, Rantanen, & Rimpela, 2000; Ragatz, Anderson, Fremouw, & Schwartz, 2011). One study exploring the relationship between bullying and criminality found that 60 percent of boys who bullied in middle school and high school had been convicted of one or more crimes before they reached the age of 25, and 40 percent of those had three or more convictions (Fox et al., 2003). Youths who bully are also likely to become more violent over time and continue to engage in bullying behavior as adults, either in the workplace or in their partner relationships (Garbarino & deLara, 2003). "Bully/victims" or children that are bullied and who then go on to bully other youths are known to be a particularly high-risk group (O'Brennan, Bradshaw, & Sawyer, 2009). Specifically, one study found that bullying-involved youths who were bully/victims felt less safe and more disconnected to their school environments than their peers and were at increased risk for aggressive-impulsive behavior (O'Brennan, Bradshaw, & Sawyer, 2009). Overall, research indicates that students who bully or are bullied are at significantly greater risk of developing and experiencing an array of negative socio-emotional, health, and academic outcomes.

Public concern over the physical and emotional health of bullying victims and the climate of public schools has created demand for a government response. This increased pressure for stronger school policy and action to mitigate bullying problems is reflected in the proliferation of proposed legislation at the state and federal level, as well as an increase in the number of court cases filed seeking legal remedies for students who have been victimized (Greene & Ross, 2005). Prior to 1999 no states had clear statutes specifically addressing school bullying. Now 46 states have enacted laws that contain specific bullying provisions, the most recent of which was signed into law in April 2011.

The research literature examining legislation that has emerged around youth-bullying issues and the legal implications for schools also has vastly expanded (Srabstein, Berkman, & Pyntikova, 2008; Alley & Limber, 2009; Green & Ross, 2005; Limber, 2003). These studies have brought to light the somewhat disparate nature of legislation that defines and addresses bullying behavior, and have identified gaps and inconsistencies in the way that laws have been implemented (Associated Press, 2009). Recent studies commissioned by state legislatures examining the impact of bullying legislation within individual states are now beginning to emerge, and have produced somewhat mixed findings regarding the promise of bullying legislation to reduce bullying incidents. A formal report conducted in 2008 examining bullying in Washington schools concluded that despite enactment of bullying legislation in 2002, school districts did not appear to be addressing bullying uniformly in the state and bullying had not declined substantially since the first bullying legislation was passed (Kester &

Mann, 2008). The study prompted the state legislature to enact more stringent and more expansive laws in 2010 in an attempt to strengthen bullying procedures at the school district level. Similarly, a recent study of South Carolina's *Safe School Climate Act* found that the law had not substantially improved the climate of South Carolina schools due to inadequate implementation of its provisions (Troy, 2010). In Vermont a study examining compliance with requirements for districts to "ensure that teachers and other staff receive training in preventing, recognizing, and responding to harassment" found that no mandatory in-service or pre-service training options have been developed to address school bullying and no mechanism was available to monitor training compliance (Vermont Human Rights Commission, 2009).

Study Purpose

The evolving legal and policy environment surrounding bullying in schools has established a need for information regarding the current status of bullying legislation in states and the way policies are formulated at the state and local level. To address these issues, in August 2010, the U.S. Department of Education and U.S. Department of Health and Human Services cohosted the first Federal Partners in Bullying Prevention Summit, which brought together government officials, researchers, policymakers, and education practitioners to explore potential strategies to combat bullying in schools. This summit highlighted the need for more comprehensive information about the current status of state legislation, as well as information on how existing laws and policies translate into practice within elementary and secondary school systems.

To address this gap in information, the U.S. Department of Education, Program and Policy Studies Service, initiated a study designed to answer the following study questions:

1. *To what extent do states' bullying laws cover U.S. Department of Education-identified key legislative and policy components?*
   The first study question concerns the need for an informative and clearly focused analysis of state legislation to describe the purpose and structure of laws and their definitions, key provisions, similarities, and differences. To address this question, the study includes a systematic review and coding of components in laws governing K–12 education. The review identifies the types of provisions that are addressed in legislation and measures their expansiveness. The review of legislation is based on a framework conceptualized by the U.S. Department of Education ("the Department") that was disseminated to school districts nationally and is discussed in the next section titled Description of the Key Components (U.S. Department of Education, 2010a). The review covers legislation enacted through April of 2011, across the 50 U.S. states.
2. *To what extent do states' model bullying policies cover U.S. Department of Education-identified key legislative and policy components?*
   The second study question focuses on the nature and content of model policies and guidance documents that have been developed by state education agencies, or school boards associations, pursuant to legislation. These policies guide and support district efforts to develop and implement effective bullying policies. The study reviews and systematically codes model policy documents available for 41 states to determine the coverage and expansiveness of key components.
3. *To what extent do school districts' bullying policies cover U.S. Department of Education-identified school district policy subcomponents?*
   The third study question focuses on the structure and content of bullying policies developed at

the local school district level that directly shape implementation within the school environment. The study involves a systematic review and coding of components in district policies for a small sample of urban and rural school districts that was selected to incorporate the geographic and community diversity of U.S. school districts. The analysis aims to determine the types of definitions and policy components that are present in local policy documents in addition to providing a measure of their expansiveness. The analysis also examines the relationship between state legislation and local policy development (e.g., the degree to which state legislation shapes local policy).

4. *How are state laws translated into practice at the school level?*
   The final study question focuses on how bullying laws and their legislative requirements are implemented by school districts and schools. The question will be answered through a series of case studies conducted at 24 school sites across four states. The purpose of the case studies will be to highlight lessons from the field on how state legislation and model policies are shaping implementation of bullying programs and procedures, and to assess the ways that state and district policies facilitate or create challenges for effective implementation.

This report presents the results of the first phase of research, which was guided by the first three study questions. Each section of the analysis focuses on documenting the presence of key components in laws or policy documents, and on rating the expansiveness of their content. The report also includes an analysis of the relationships between state legislation and school district policies to determine how closely policies conform to requirements in the law. The second phase of the study will involve intensive case studies in schools to analyze the implementation of laws at the district and school-site level. The second study phase will be launched in the fall of 2011.

Description of the Key Components

In December 2010, in response to several requests for technical assistance surrounding the drafting of bullying laws and policies, the Department released a guidance document titled "*Anti-Bullying Policies: Examples of Provisions in State Laws*." The document identified key policy components present in current state bullying statutes as of the end of 2010. The document did not evaluate the impact of such components, but built upon previous work on bullying laws (Limber & Small, 2003; Srabstein et al., 2008) and general policy theory (Desimone, 2002) that suggest that additional detail encourages implementation with greater fidelity to the intention of the laws. It further reflects the trend that state legislatures have added detail to such statutes over time. The Department identified components based on their presence in at least two current state statutes and their potential to inform implementation at the state and local levels. Components that conflict with the Department's limited authority to require, or imply, any mandate on schools to implement specific curriculum, policies, or strategies (20 U.S.C. 1232a) were not included.

The Department organized the components into 11 categories or components, and provided examples of comprehensive and detailed laws from a wide range of states. The school district policy component was grouped into six subcomponents that are commonly prescribed under law as provisions of school district policies. These 11 key components and six policy subcomponents underlie the study approach to reviewing the content of laws concerning bullying in schools (U.S. Department of Education, 2010a). Each of the 11 key components is described in Exhibit 1.

Exhibit 1. Description of 11 U.S. Department of Education-identified key components and school district policy subcomponents in state bullying legislation

1. **Prohibition and Purpose Statement** Outlines the range of detrimental effects bullying has on students, including impacts on student learning, school safety, student engagement, and the school environment. It also declares that any form, type, or level of bullying is unacceptable, and that every incident needs to be taken seriously by school administrators, school staff (including teachers), students, and students' families.
2. **Statement of Scope** Covers conduct that occurs on the school campus, at school-sponsored activities or events (regardless of the location), on school-provided transportation, or through school-owned technology or that otherwise creates a significant disruption to the school environment.
3. **Prohibited Behavior** Provides a specific definition of bullying that includes a clear definition of cyberbullying. The definition of bullying includes a nonexclusive list of specific behaviors that constitute bullying, and specifies that bullying includes intentional efforts to harm one or more individuals, may be direct or indirect, is not limited to behaviors that cause physical harm, and may be verbal (including oral and written language) or non-verbal. The definition of bullying can be easily understood and interpreted by school boards, policymakers, school administrators, school staff, students, students' families, and the community. Is consistent with other federal, state, and local laws.
   - Prohibited conduct also includes:
   - Retaliation for asserting or alleging an act of bullying.
   - Perpetuating bullying or harassing conduct by spreading hurtful or demeaning material even if the material was created by another person (e.g., forwarding offensive e-mails or text messages).
4. **Enumeration of Groups** Explains that bullying may include, but is not limited to, acts based on actual or perceived characteristics of students who have historically been targets of bullying, and provides examples of such characteristics. Makes clear that bullying does not have to be based on any particular characteristic.
5. **Development and Implementation of Local Policies** Directs every district to develop and implement a policy prohibiting bullying, through a collaborative process with all interested stakeholders, including school administrators, staff, students, students' families, and the community, in order to best address local conditions.
6. **Review of Local Policies** Includes a provision for the state to review local policies on a regular basis to ensure the goals of the state statute are met.
7. **Components of Local Policies** The Department identified six components that laws typically mandate or encourage districts to cover in their local district policies. These include:
   - *Definitions:* Includes a definition of bullying consistent with the definitions specified in state law.
   - *Reporting:* Includes a procedure for students, students' families, staff, and others to report incidents of bullying, including a process to submit such information anonymously and with protection from retaliation. The procedure identifies and provides contact information for the appropriate school personnel responsible for receiving the report and investigating the incident.
   - *Investigating:* Includes a procedure for promptly investigating and responding to any report of an incident of bullying, including immediate intervention strategies for protecting the victim from additional bullying or retaliation, and includes notification to parents of the victim, or reported victim, of bullying and the parents of the alleged perpetrator, and, if appropriate, notification to law enforcement officials.
   - *Written records:* Includes a procedure for maintaining written records of all incidents of bullying and their resolution.
   - *Sanctions:* Includes a detailed description of a graduated range of consequences and sanctions for bullying.
   - *Referrals:* Includes a procedure for referring the victim, perpetrator, and others to counseling and mental and other health services, as appropriate.
8. **Communications** Includes a plan for notifying students, students' families, and staff of policies related to bullying, including the consequences for engaging in bullying.
9. **Training and Prevention** Includes a provision for school districts to provide training for all school staff, including, but not limited to, teachers, aides, support staff, and school bus drivers, on preventing, identifying, and responding to bullying. Encourages school districts to implement age-appropriate school- and community-wide bullying prevention programs.
10. **Transparency and Monitoring** Includes a provision for school districts to report annually to the state on the number of reported bullying incidents, and any responsive actions taken. Includes a provision for school districts to make data regarding bullying incidence publicly available in aggregate with appropriate privacy protections to ensure students are protected.
11. **Right to Pursue Other Legal Remedies** Includes a statement that the policy does not preclude victims from seeking other legal remedies.

Source: U.S. Department of Education (2010a)

Research Methods

This study documents the content of state bullying legislation and its relationship to state and local school policies. The scope of the review is limited to the 50 U.S. states. The District of Columbia and the U.S. territories were excluded from the analysis because their governance structures (i.e., legislative bodies and administrative agencies) are different from those in states. Researchers reviewed and coded legislation and policy documents that were aligned with the three key study questions through the following activities: 1) a systematic review of state laws and statutes in the 46 states with enacted legislation by April 30, 2011; 2) a review of state model policy documents produced in the 41 states with such documents; and, 3) a review of local district and school board policies for a sample of 20 local school districts. The remainder of this section discusses these activities in detail.

The Department shared the draft report with all 50 states, so that states could review the descriptions of their laws and policies for accuracy. In response to states' comments, researchers revised the report where appropriate, to accurately portray state laws and policies.

Methods for Study Question 1: Compiling and Coding State Laws

The approach to reviewing state bullying legislation began with preparation of a legislative history for each state, listing any relevant bills enacted since 1999, when the first bullying law was passed. The legislative history identified the complete set of bullying statutes introduced or amended in the state legislature. Each statute was linked to its authorizing bill to trace the progression of introduced, amended, and repealed legislation chronologically within states (see Appendix B Summary of Bullying Legislation, State Statutes, and Model Policies). This process of preparing legislative histories uncovered important distinctions in the way in which state laws were crafted. Specifically, some states approached legislation through a series of amendments to existing laws addressing school safety planning or student conduct, while others introduced new statutes, or series of statutes, that are exclusive to combating bullying in schools. These differences in legislative approach influence how laws governing bullying are structured within each state.

Legislative Searches

There were several strategies used to search for and compile legislative bills and statutes. These strategies included: a) cross-referencing print resources and searchable databases that summarize bullying legislation (i.e., National Council of State Legislatures [NCSL], the National School Boards Association [NSBA], the Anti-Defamation League [ADL], Olweus State Bullying Laws and Information, http://www.bullypolice.org, and the Cyberbullying Research Center); b) conducting open and targeted searches of state legislature websites for bill text, administrative codes or statutes, and any pending legislation; and, c) cross-referencing legislative histories against documents the Department compiled through a recent search using the LexisNexis database.

Education Codes Versus Criminal Statutes

The initial document search yielded state statutes which encompassed both the education and criminal justice codes for many states. Although the focus of the bullying analysis was on legislation impacting the governance of schools, increasingly states have moved to criminalize bullying behavior by introducing statutes within their criminal codes that impose criminal sanctions for youth bullying and cyberbullying behavior. For purposes of the analysis, criminal laws were included in the state legislative review if they met certain criteria. Specifically, in order for criminal justice statutes to be coded, they: a) had to contain clear language granting jurisdiction over student behavior in school settings; and b) must have been referenced in an education statute or bullying bill.

Coding and Analysis Procedures Based on Key Components

To review and code state bullying laws and statutes, the analysis used a systematic coding framework to describe the content and expansiveness of legislation (i.e., purpose and intent, definitions, and legal requirements of states and school districts). The coding framework supports quantifiable measurement of key components and allows for consistency in discussing differences and similarities in laws, despite a high degree of diversity with regard to their structure and content.

The coding of state legislation was completed using Atlas.ti qualitative data analysis software to categorize and code text in statutes. The full text of laws was first reviewed to inventory the range of provisions present in legislation and to identify specific constructs that were relevant to the analysis questions. A coding framework was developed and used to code each set of statutes according to specific constructs within each component of the Department's conceptual framework using a dichotomous "yes" or "no" rating (e.g., does the law text require that district policies mandate reporting by school personnel who witness a bullying situation?).

There were two approaches used to synthesize and present analysis findings:

- The first approach involved using the coded text to determine whether each key component was represented in a state's statutes and to compare states based on an overall count of the number of components present. States were credited with covering a key component if *any* language pertaining to that component was mentioned, regardless of the degree of clarity or detail (e.g., did the law include *any* mention of reporting of bullying incidents?).
- The second approach involved using the more detailed information contained in coded text to assign a systematic 0-to-2 rating to each key component to measure its expansiveness. Ratings are based on criteria developed for purposes of the study and reflect the scope of definitions and legislative provisions observed in state laws.

Exhibit 2 presents the scoring criteria used to assign ratings within each key component. Expansiveness was interpreted differently across components; however, components in law that were rated as more expansive are generally: a) more inclusive (e.g., defined prohibited behavior broadly without any limiting conditions, or extended school jurisdiction to cover off-campus conduct); b) are more prescriptive (e.g., used concrete directives to convey policy expectations); c) use less discretionary language (e.g., used the term "shall" instead of "may"); or d) establish stronger measures of accountability. Statutes that impose more stringent administrative requirements, or that are more punitive, were not necessarily rated as more expansive. As an example, language pertaining to consequences in school district policies was viewed as more expansive if it outlined provisions for both punitive (e.g., disciplinary actions) and non-punitive consequences for aggressive students (e.g., behavioral interventions). Laws were not necessarily more expansive because they imposed tougher sanctions, such as mandatory law enforcement reporting. For each state with legislation, individual ratings within each component were totaled to arrive at a composite measure of expansiveness for each state.

Exhibit 2. Key state bullying legislation and policy components identified by the U.S. Department of Education: Criteria used to rate the expansiveness of components and subcomponents

Key Component	Rating		
	0	1	2
Purpose	**None** State legislation or policy does not contain a prohibition against bullying.	**Prohibits behavior** State legislation or policy contains an explicit prohibition against bullying, but does not contain language articulating the purpose or intent. To receive minimum rating of 1 a policy must contain a statement prohibiting bullying.	**Prohibits behavior and describes policy purpose and intent** State legislation or policy contains BOTH an explicit prohibition against bullying and language articulating the purpose or intent.
Statement of scope	**None** State legislation or policy does not contain any language defining scope.	**Less expansive** State legislation or policy includes statement of scope covering behavior on school grounds or at school-sponsored events, and other school-related locations (*e.g., bus stops, adjacent property*) or events (*i.e., off-campus school functions or where school staff is responsible for students*).	**More expansive** State legislation or policy includes statement of scope that covers off-campus behavior that creates a hostile environment at school.
Prohibited behavior	**Least expansive** State legislation or policy does not define prohibited behavior or contains limited descriptions of behavior.	**Moderate** State legislation or policy describes prohibited behavior but does not mention cyberbullying, or mentions cyberbullying without any formal definition of bullying behavior.	**Most expansive** State legislation or policy describes prohibited behaviors and includes explicit language addressing cyberbullying or bullying by electronic means.
Enumeration of groups	**None** Does not define bullying in terms of victims' characteristics.	**Less expansive** Enumerates victims' characteristics but limits coverage to only those protected classes.	**Less restrictive with explicit protections for vulnerable populations** State legislation or policy enumerates protected classes, but does not limit coverage under law to members of those classes (e.g., "including, but not limited to").
District policy development	**None** State legislation does not require districts to develop or adopt local policies.	**Limited requirements** State legislation requires districts to adopt local policies, but does not specify completion dates.	**Extensive requirements** State legislation requires districts to adopt local policies with specified dates, and sets requirements for policy development (e.g., requirement for collaborative planning and development)
District policy components Definitions	**None** State legislation does not contain explicit requirement for definitions in school district policies.	**Any definition** State legislation requires that policies contain a definition of prohibited behavior.	**Conforms to state** State legislation explicitly requires that policies contain a definition that is consistent with state legislation or that is inclusive of the state definition.
District policy components Reporting	**None** State legislation or policy does not contain any explicit district requirements related to incident reporting.	**Encouraged reporting and procedures** State legislation or policy encourages reporting by school personnel and outlines specific mechanisms, such as designating school personnel or providing for anonymous reporting.	**Mandatory reporting by staff and/or students** State legislation or policy mandates that school personnel and/or students who witness bullying must report. Typically includes immunity clauses. May also address anonymous reporting and confidentiality.
District policy components Investigations and Response	**None** State legislation or policy does not contain any explicit district requirements related to investigation of reports.	**General requirement for investigation** State legislation or policy contains language related to investigating complaints. May designate school personnel to receive reports and conduct investigations.	**Specific requirements for investigation** State legislation or policy contains specific language outlining an investigation process. Process may include parent notification and safeguards for victims.

Continued on next page.

Exhibit 2. Key state bullying legislation and policy components identified by the U.S. Department of Education: Criteria used to rate the expansiveness of components and subcomponents (Continued)

Key Component	Rating		
	0	1	2
District policy components Written Records	**None** State legislation or policy does not address written documentation for reporting or investigations.	**Documentation of reporting** State legislation or policy establishes procedures for reporting or investigations that include written documentation.	**Documentation of reporting, investigation, and response** State legislation or policy requires district to maintain written documentation of reported incidents, and includes specific language outlining written requirements or forms (e.g., communicating information on the schools' response to parents of victims in writing).
District policy components Sanctions	**None** State legislation or policy does not address disciplinary actions or other consequences for prohibited behavior.	**Disciplinary consequences (punitive only)** State legislation or policy requires the inclusion of consequences or sanctions, but focuses on punitive consequences only.	**Expansive consequences (punitive with supportive interventions)** State legislation or policy requires districts to address consequences or sanctions that include both punitive sanctions and supportive or remedial interventions for aggressors.
District policy components Referrals	**None** State legislation or policy does not address counseling or other supportive services for victims.	**Limited counseling, intervention component** State legislation or policy encourages districts to address counseling or other supportive services for victims.	**Strong counseling component** State legislation or policy requires that districts provide counseling or other supportive services to victims.
Review of policy	**None** State legislation or policy does not require individual schools or districts to submit policies for review.	**Less extensive review** State legislation or policy requires school districts to submit their policy to the state department of education or other state agency for review.	**More extensive review** State legislation or policy establishes guidelines for policy review that may include sanctions for districts not in compliance.
Commu-nications	**Little or no required communications** State legislation or policy does not outline any requirements for publicizing policies, uses vague language, or only requires that policies be publicly posted.	**Somewhat visible** State legislation or policy contains explicit requirements for communicating policies to parents, students, and staff in writing (e.g., in codes of conduct, student handbooks, or employee manuals) and may encourage districts to discuss policies with students and school personnel.	**Most visible** State legislation or policy meets minimum criteria for a 1 rating and requires that districts actively discuss or review policies with school personnel or students.
Training and prevention	**No training and prevention component** State legislation or policy does not contain any explicit requirements for employee training or school prevention or intervention strategies for students and/or staff.	**Limited training and prevention component** State legislation or policy includes requirements for employee training on bullying policies and/or discussion of policies with students and includes language related to school-wide bullying prevention and education. Programs are encouraged, but not required.	**Strong training and prevention component** State legislation or policy includes mandatory requirements for schools to address training and prevention for both students and staff, including but not limited to school-wide bullying prevention, education, or intervention strategies.
Trans-parency and monitoring	**No mandated reporting** State legislation or policy does not require districts to record incidents of bullying apart from required *Safe and Drug Free Schools and Communities Act* (SDFSCA) reporting.	**Internal school or district reporting required only** State legislation or policy requires districts to record information related to the number of reported incidents. No requirement to report data to the state.	**State reporting requirements-defined** State legislation or policy requires districts to report incidence data to the state. State legislation or policy outlines specific data requirements and/or reporting mechanisms and timelines. May include sanctions for failing to report.

Continued on next page.

Exhibit 2. Key state bullying legislation and policy components identified by the U.S. Department of Education: Criteria used to rate the expansiveness of components and subcomponents (Continued)

Key Component	Rating		
	0	1	2
Victim's right to redress	**No language** State legislation or policy does not include language related to the victim's right to redress.		**Contains language** State legislation or policy includes statements related to a victim's right to redress.

Methods for Study Question 2: Compiling and Coding State Model Policies

The intent of the second study component was to review and describe state model bullying policies that provide guidance to support district bullying policy development. The approach was similar to the approach used to review state legislation and is detailed below.

Searches for State Model Policy Documents and Criteria for Inclusion

The process of searching for and compiling state model policy documents involved first reviewing state legislation to determine which states were mandated by law to develop model policies, and to record specific deadlines established in law for states to comply with requirements. Internet searches were conducted for states with specific requirements, using an open Google search for model bullying policies by state. This step was followed by targeted searches of state departments of education and school boards association websites when documents could not be immediately located through the initial search. Documents were downloaded and briefly reviewed by title and content to confirm their appropriateness to the study and website locations were recorded for all documents that met the criteria (i.e., documents must pertain to bullying or harassment), must provide guidelines that support the creation of policies, and must be developed by the state entity or a partner organization. Searches were then conducted for all remaining states that did not specify recommendations or requirements for the development of model policies, and for states without bullying legislation. The search results identified 41 state bullying policies, or guidance documents, across the 50 states. The states represented in the document sample include 26 states that have created model policies of the 27 states with specific policy requirements (i.e., one state model policy remains under development), 12 states that have created model policies without any specific legislative mandate to do so, and three states (i.e., Hawaii, Michigan, and Montana) without state bullying laws.

Not all model policies for states with specific legislative requirements had published documents online. Model policy documents for five states—Illinois, Missouri, Nevada, North Carolina, and Wyoming—could not be located on department websites. Four state departments were directly contacted by telephone to request a copy of their policy documents. Each of the four states contacted provided copies of their model policy documents upon request. Information regarding the status of the Illinois state model policy was located online. This information documented the recent formation, in March of 2011, of a sub-committee of the state bullying prevention task that would be charged with developing the model policy.

Coding and Analysis of State Model Policies Based on Key Components

The methods used to review and code state model policies were similar to those used to code state statutes. The procedure involved applying a systematic coding framework developed for the legislative review to describe the content and expansiveness of model policy documents (i.e.,

purpose and intent, definitions, and specific guidance and requirements for school districts). The coding of model policies was completed using Atlas.ti qualitative data analysis software to categorize and code text in retrieved documents. The standard coding framework was used to code each set of statutes within each key component using a dichotomous "yes" or "no" rating (e.g., does the law text require that district policies mandate reporting by school personnel who witness a bullying situation?). Coded text was then assigned a systematic 0-to-2 rating on each key component to measures its expansiveness. Ratings were based on the same criteria developed for legislative ratings.

Methods for Study Question 3: Sampling, Compiling, and Coding School District Policies

The approach for reviewing district bullying policies involved selecting a sample of 20 school districts from different regions of the country and describing the structure and content of their local district and school board policies. While the small sample size is not representative of policy characteristics nationally, the analysis provides initial information on the content of school district bullying policies in states with different bullying laws and state models for policy development. This initial look at local policies was limited to the review and evaluation of large districts as to scope and content of policies covering a significant number of students across the U.S. The review used the following research methods to achieve these information objectives.

Sampling Procedure Using Random Selection

A sampling frame was created from the National Center for Education Statistics (NCES) Common Core of Data for 2006–07, which includes information on school district location and student enrollment. The data file was merged with the urban centric codes (i.e., city, fringe of city, town, rural) for each district. The school districts were ranked from largest to smallest based on student enrollment and the top 10 percent of districts was selected as the universe of large districts that would form the sampling frame. Districts were then grouped according to 10 sampling strata defined by the intersection between geographic region (i.e., Northeast, Southeast, Midwest, Northwest, and Southwest) and urban centric code (i.e., city, fringe of city, town, rural). Within each sampling stratum, five districts were randomly selected to form the sampling frame of 50 potential school districts nationwide. Within each stratum, districts were rank-ordered from largest to smallest by enrollment. This ensured that the largest districts within each stratum had the highest possibility of inclusion in the study sample. Elementary school districts or districts that did not support K–12 enrollment were replaced with unified school districts to ensure that policies would be representative of all grade levels.

Policy Criteria

Once the set of 50 districts was selected, open Web searches were used to locate district bullying policies online. If a bullying policy could not be located for a district, sampling design called for replacement by selecting the next district on the list. For each of the sampling stratum, however, Web searches yielded a relevant school board or district policy related to bullying behavior for the first district on the list. School board or district policies were considered relevant for analysis if they were policy documents that outlined procedures or guidelines covering the entire district (i.e., not specific to an individual schools site) and referenced the terms "bullying" or "harassment." For 15 of the 20 districts, the document identified was a school board or district policy document and in five districts the document was a student of code of conduct governing district-wide behavior. All district policies were readily accessible online and did not require extensive searches. Districts included in the analysis are shown in Exhibit 3.

Exhibit 3. Selection of school districts for analysis of bullying policies, by region, urban code, and state

Northeast	City	New York	**Southwest**	City	Texas
	City-Fringe	Pennsylvania		City-Fringe	Arizona
	Town	Connecticut		Town	Texas
	Rural	Maryland		Rural	New Mexico
Southeast	City	South Carolina	**West**	City	Colorado
	City-Fringe	Georgia		City-Fringe	Utah
	Town	Louisiana		Town	Nevada
	Rural	Virginia		Rural	California
Midwest	City	Ohio			
	City-Fringe	Missouri			
	Town	Michigan			
	Rural	Indiana			

Exhibit reads: The first district included in the study sample was selected from among districts in urban areas of the Northeast region of the U.S. and was located in New York state.

Source: School district or board policies retrieved from district Web sites.

Coding and Analysis of School District Policies

The methods used to review school district policies were similar to those used to code state statutes and state model policies. This procedure involved applying the systematic coding method to categorize and rate policy content based on coverage and expansiveness of components (i.e., purpose and intent, definitions, and specific guidance and requirements for school districts). The content of district policies was first coded by assigning a dichotomous "yes" or "no" value to indicate whether or not an element was present in the policy. The district policy components were then rated on a 0-to-2 scale measuring the expansiveness of its coverage. Ratings within components were based on the same criteria developed for legislative ratings. However, the review of district policies was limited to the six district policy components identified in the key element framework, covering nine specific dimensions. These include four dimensions related to bullying definitions under the first policy component (i.e., purpose, scope, prohibited behavior, and enumeration of groups) and five other components of policies (i.e., reporting, investigations, written records, consequences, and mental health referrals).

The four remaining key components (i.e., communication, prevention and training, transparency and monitoring, and legal remedies) were excluded from the review of district policies because they covered other legal expectations for schools and districts that were not consistently required to be included as components of policies. These are provisions that districts may be implementing at the local district and school level, but that may not be reflected in formal board policies or codes of conduct. Accordingly, these additional provisions were reviewed and discussed in narrative, due to their presence in some policy documents, but were excluded from systematic ratings of coverage or expansiveness. When comparing total ratings of expansiveness between district policies and their respective state laws, total ratings of legislation were adjusted to reflect only the nine key components dimensions reviewed at the district level.

Structure of the Report

Chapter II presents findings from the analysis of state legislative bills and statutes enacted since 1999 to determine the extent to which state legislative language covers the core components of bullying legislation and policy. This section includes an analysis of each state law with regard to its

expansiveness in addressing key components. This section is introduced by a brief overview of the evolving legislative and policy environment concerning bullying in public school systems. This discussion documents trends within state legislatures to enact new statutes or to amend existing laws and profiles the structure and substance of the body of bullying legislation.

Chapter III focuses on the development of state model policies by state education agencies and school boards associates that provide guidance to districts in developing local district bullying policies, and ensuring district compliance with the law. These policies are often developed in reaction to legislative requirements contained in new statutes. The section focuses on both the coverage and expansiveness of key components in model policy documents.

Chapter IV presents findings from an analysis of 20 school districts' bullying policies selected from across different regions of the country within different urban-rural locales. The analysis also examines the coverage and expansiveness of key components in local policies and explores the relationship between local policy content and state legislation within each district's respective state.

Chapter V is a brief summary of findings and conclusions.

II. Analysis of State Bullying Legislation

The Columbine High School shooting in Littleton, Colo., was the first nationally visible incident of student-perpetrated school violence that was presumed to be tied to a history of bullying victimization (Greene & Ross, 2005). In the aftermath of the school shooting and in reaction to a local bullying-related suicide in the state, Georgia became the first state to pass bullying legislation requiring schools to implement character education programs to address bullying prevention (Associated Press, 2009). Since that time, there has been a proliferation of new laws at the state level that define acts of bullying in the school context and establish school or district policies prohibiting bullying behavior.

Key Findings

- **From 1999 to 2010, more than 120 bills were enacted by state legislatures nationally that have either introduced or amended education or criminal justice statutes to address bullying and related behaviors in schools.**
- **Forty-five state laws direct school districts to adopt bullying policies.**
- **Forty-two state laws contain clear statements prohibiting students from bullying. Three states prohibit bullying without defining the prohibited actions or behaviors.**
- **Most states frame legislation as law governing "bullying," "bullying and harassment," or "bullying, harassment, or intimidation" using terms interchangeably. Nine states distinguish between "bullying" and "harassment" and define them separately under the law. Two states only address "harassment" as it pertains to behavior in schools, with no mention of "bullying."**
- **Thirty-six states now include provisions in their education codes prohibiting cyberbullying or bullying using electronic media.**
- **Thirteen states specify that schools have jurisdiction over off-campus bullying behavior if it creates a hostile school environment.**
- **The most commonly covered components in legislation are requirements to develop district policies, statements of scope defining school jurisdiction over bullying acts, definitions of prohibited behavior, and disciplinary consequences. Procedural components in laws are more likely to involve direct mandates, whereas programmatic components (e.g., training and prevention) are often prescribed using discretionary language.**
- **The least expansive state laws outline district requirements to develop local bullying policies without specifying policy content.**

As of April of 2011, 46 states nationally had enacted bullying laws. North Dakota was the most recent to take action with the passage of *Assembly Bill 216,* which was signed into law in April 2011.

The states of Hawaii,[4] Michigan, Montana, and South Dakota are the only remaining states without state bullying statutes, though each have pending bills in their state legislatures. Forty-six states nationwide, including the four without legislation, introduced bills within their 2011 legislative sessions through April of 2011 to combat bullying in their local school systems.

This chapter presents findings from a detailed analysis of the scope and content of legislative bills and corresponding statutes in each of the 50 states. The purpose is to address the first study question examining the extent to which state laws cover key components identified by the U.S. Department of Education as core elements of bullying laws and policies.

History and Scope of Bullying Legislation in U.S. States

From 1999 to 2010 state legislatures nationally enacted more than 120 separate bills that either introduced or amended bullying statutes in their education or criminal codes. Exhibit 4 reports the growth in legislative activity over the previous eleven-year period. Twenty-one new bills were passed in 2010 and eight bills were signed into law through April 30, 2011. In the four years from 2006 to 2010, 35 states also enacted new cyberbullying laws in their education or criminal codes (NCSL, 2010). This profusion of state legislation reflects the rapidly evolving political and policy environment surrounding bullying in schools, where lawmakers are continually refining state legislative expectations for schools in response to new problem dimensions (e.g., the growth of cyberbullying), and to emerging research concerning effective policy strategies for combating school bullying.

Exhibit 4. Number of state bullying laws enacted by year: 1999–2010

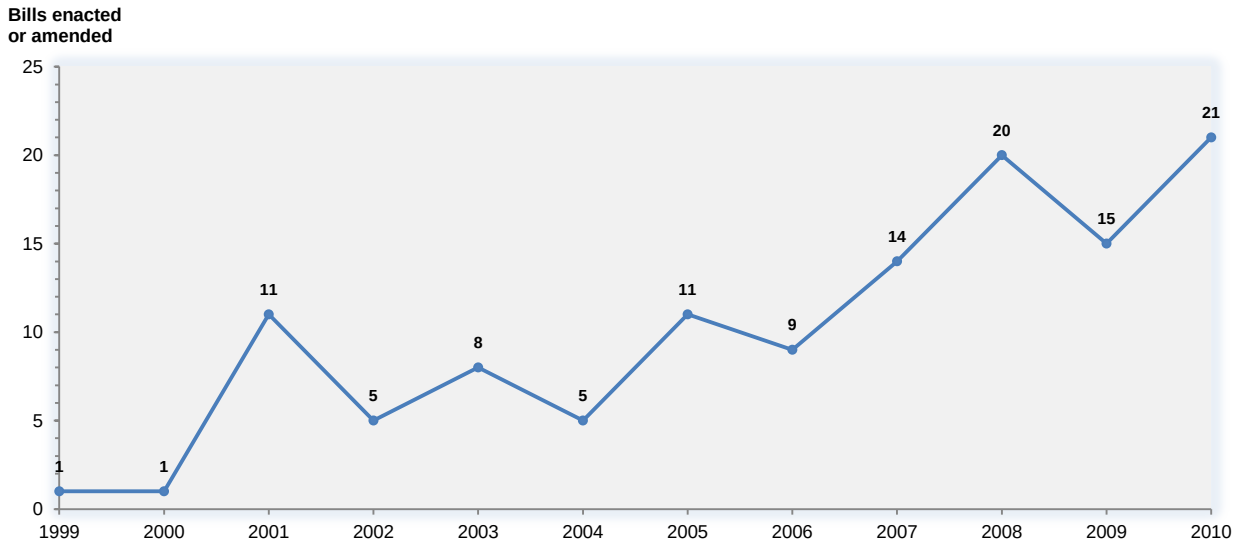


Exhibit reads: One state enacted bullying legislation in 1999.

Note: Analyses in this report reflects state bullying legislation enacted through April 30, 2011. The analyses do not reflect the recent enactment of House Bill 688 in the state of Hawaii, or amendments to other states' legislation that occurred after April 30, 2011, including, but not limited to, new laws passed in California, Rhode Island, Tennessee, and Texas during their states' 2011 legislative sessions.

Source: State bullying laws enacted through April 30, 2011.

[4] Analyses in this report reflect enacted bullying legislation as of April 2011. These analyses do not include the enactment of Hawaii's bullying legislation, House Bill 688, which was signed into law on July 11, 2011.

States With No State Legislation

As of April 2011, Hawaii, Michigan, Montana, and South Dakota were the only remaining U.S. states that had not enacted legislation targeting bullying in their public school systems.[5] North Dakota was without legislation until April of 2011 when it became the 46th state in the nation to pass its first bullying law. The challenge to enact laws within these states reflects the highly politicized nature of debate surrounding school bullying legislation. Two major issues at the center of the debate include disagreement over the inclusion of explicit protections for sexual orientation, and concerns about granting state legislatures control over education policy. These issues, which appear again in later discussion, underlie how states have balanced discretion between state and local control over policy and how they have addressed certain components within law.

Framing Legislation: Harassment Versus Bullying

Many bullying laws enacted since 1999 were originally modeled on existing civil rights legislation that protects groups from various forms of harassment under the law. The legislative language used in crafting bullying laws often borrows directly from harassment statutes (Green & Ross, 2005). This has frequently led to a conflation of terms used to define prohibited conduct, with "bullying" and "harassment" often used interchangeably in laws, despite their important legal distinctions.

Harassment is distinguishable from more general forms of bullying in that it must be motivated by characteristics of the targeted victim. It is generally viewed as a subset of more broadly defined bullying behavior (Greene & Ross, 2005). Harassment also violates federal civil rights laws as a form of unlawful discrimination. Federal civil rights laws that are enforced by the Department's Office for Civil Rights (OCR) include Title VI of the *Civil Rights Act of 1964*, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the *Education Amendments of 1972*, which prohibits discrimination on the basis of sex; and Section 504 of the *Rehabilitation Act of 1973* and Title II of the *Americans with Disabilities Act of 1990*, which prohibit discrimination on the basis of disability (U.S. Department of Education, 2010b). There is currently no legislation at the federal level that prohibits bullying in schools.

The legal distinctions between bullying and harassment can have important implications for how laws are implemented and enforced (Sacks & Salem, 2009). For example, the potential violation of a student's civil rights in harassment cases may prompt schools to establish separate policies and procedures for addressing bullying and harassment, or may encourage districts to apply the more rigorous standards for investigating harassment claims to any bullying incident to protect schools from liability. The conflation between bullying and harassment also may create challenges for schools around interpreting how they must legally respond to different types of bullying and harassment claims. In an Oct. 26, 2010, Dear Colleague Letter, the Department's OCR reminded school districts that student misconduct that falls under the school's bullying policy also may trigger legal responsibilities under one or more of the federal civil rights laws. The letter stated that harassment "creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces" (U.S. Department of Education, 2010b).

[5] Analyses in this report reflect enacted bullying legislation as of April 2011. These analyses do not include the enactment of Hawaii's bullying legislation, House Bill 688, which was signed into law on July 11, 2011.

The review of state bullying legislation reveals clear differences in the terms used to define bullying and harassment and in how bullying laws are framed. Exhibit 5 shows that 17 state laws currently use the terms "bullying, harassment, and intimidation" synonymously in crafting legislation. Fourteen states refer to "bullying" exclusively in legislative statutes, whereas two state laws—Kentucky and Alabama—prohibit harassment without any mention of bullying. Nine other state laws use both "bullying" and "harassment" to describe prohibited behavior within a single set of statutes, but define the terms separately. The remaining states use different combinations of terms, including references to other forms of conduct, such as sexual harassment and hazing that are integrated into bullying language. These differences suggest a high degree of legislative and policy diversity in how bullying behavior is defined across states and school districts, and how definitions of prohibited conduct are applied within their school settings. They also reflect a lexicon that has not yet reached consensus on the use of specific terms. In the legal context, this sometimes contributes to confusion concerning how a specific incident should be treated.

Exhibit 5. Terms used in framing state bullying legislation, by number of states (n=46)

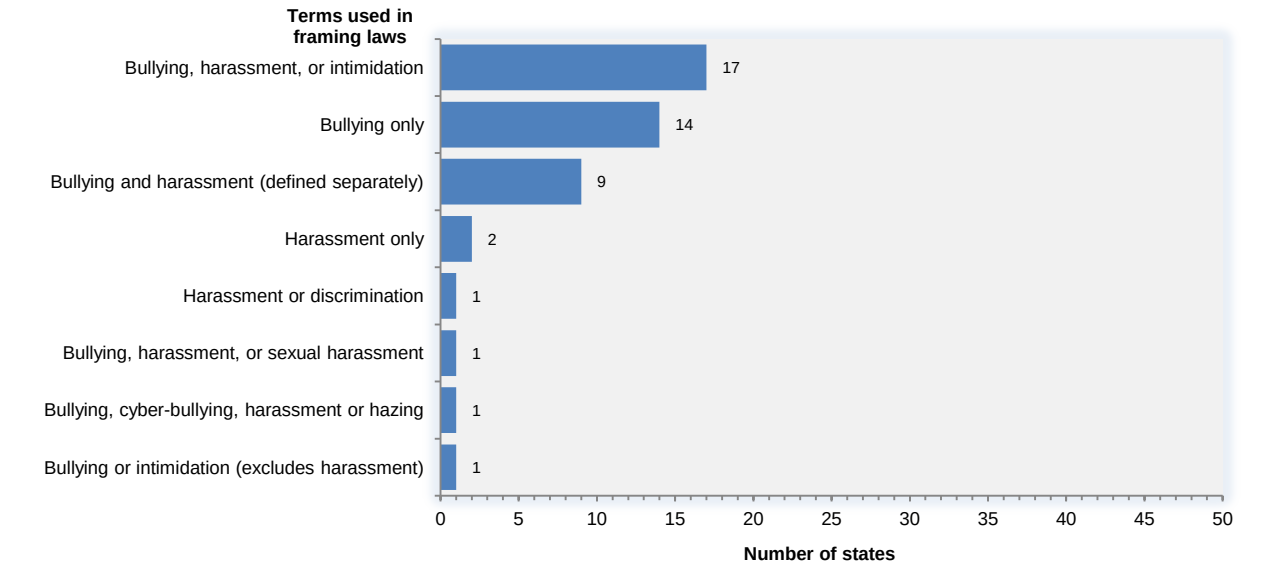


Exhibit reads: Seventeen state laws are framed as laws addressing "bullying, harassment, or intimidation."
Source: State bullying laws enacted through April 30, 2011.

Legislative History, Construction of State Statutes, and Key Components

The legislative histories compiled for each state to track the chronology of new and amended legislation (included in Appendix B) uncover important differences and similarities in how laws are constructed, how much autonomy is granted to state agencies and localities in carrying out legislative requirements, and in the range of provisions that are prescribed under the law. In the majority of states, bullying laws are drafted as comprehensive sections of new legislation or as a series of consecutive statutes. These laws often share a core structure that includes: a) a preamble or statement of purpose; b) definitions; c) requirements for school districts to develop local bullying policies; d) prescribed components of local district policies; e) other school district requirements; and f) requirements for state education agencies. Other state bullying laws were established through a series of amendments to existing statutes or sections of law, such as school safety legislation (e.g., California, Colorado) or regulations related to student conduct (e.g., Texas, Nebraska). These laws are likely to cover a narrower range of key components or provisions.

State legislative approaches also set different expectations for how bullying policies are formulated. These expectations reflect different perspectives on where local control over policy should be permitted, and the degree to which mandatory and more prescribed policy requirements are desirable. The review identified four different models of state legislation that reflect key differences in how states balance state and local control over bullying policy development and accountability.

Legislative Control Over Policy Development (25 States)
The first model includes state laws that set expectations for districts to develop local policies, and prescribe specific provisions in school district bullying policies. These laws largely centralize control over policy development within the state legislature, and may or may not require state education agencies to develop model policies or guidelines to help schools achieve compliance with legal requirements. The laws within this category vary with regard to the range of components that are prescribed in district policies, and the details of that prescription.

State Department of Education Control Over Policy Development (Four States)
The second model, epitomized by state legislation in Nevada, Maine, Virginia, and Washington also centralizes control at the state level, but within the state department of education. The laws require districts to develop policies that conform to a state model policy, and grant the state department of education authority over creating the state model. These laws delineate few or no specific requirements for the content of the state model policy or policies at the district level.

Mix of Legislative and State Department of Education Control Over Policy Development (Six States)
The third model requires districts to develop local school district policies that adhere to legislative requirements, but gives discretion to state education agencies to elaborate or formulate policy provisions. These laws define a larger role for state model policies in setting policy standards. Three states, for example, require state departments of education to develop state model policies, and outline minimum provisions that must be covered. Districts are then required to adopt the state model. One other state requires districts to cover certain legislative provisions in their local policies and expects districts to adopt a model developed by the state. Another state law outlines minimum requirements for the content of both district policies and state model policy development.

Local District Discretion and Control Over Policy Development (11 States)
The final model includes laws that set expectations for districts to create local policies, and transfers discretion over policy development to school districts. These laws may or may not provide states with additional support for developing their local policies by requiring state education agencies to develop state models and guidelines. Specifically, 10 states require districts to develop bullying policies, but do not set any specific requirements for their provisions or content. One other state, Wisconsin, requires districts to develop local policies and prescribes provisions that must be contained in the state model, but does not require school districts to adopt the model policy.

This variation in states' approaches to balancing state and local control reflects different perspectives within state legislatures regarding an appropriate role for the state in setting education policy, and contributes to further diversity in how bullying laws and policies are implemented across districts and states.

Bullying and Criminalization
Recent state legislation and policy addressing school bullying has emphasized an expanded role for law enforcement and the criminal justice system in managing bullying on school campuses. Though

historically, authority over youth bullying has fallen almost exclusively under the purview of school systems, legislation governing the consequences for bullying behavior reflects a recent trend toward treating the most serious forms of bullying as criminal conduct that should be handled through the criminal justice system.

This shift is evident in the growing number of state bullying laws that now require mandatory reporting by school personnel of offenses that may violate criminal statutes. Seven state bullying laws now include provisions for criminal sanctions for bullying behavior, either by mandating school personnel to report bullying acts that potentially violate criminal law or by requiring policies to contain clear procedures for determining when and how violations should be reported to law enforcement. Missouri's state law further mandates that schools impose sanctions on school staff who fail to comply with law enforcement reporting requirements (*Mo. Rev. Stat.* §167.117.1).

An increasing number of states also have introduced bullying provisions into their criminal and juvenile justice codes. For example, North Carolina recently passed a new law to criminalize cyberbullying, making it an offense punishable as a misdemeanor for youths under 18 (*N.C. Gen. Stat.* §14-458.1). The state of Idaho's key piece of bullying legislation resides within Title 18 of their state criminal code. The law provides a definition and prohibition of harassment, intimidation, and bullying among students, including bullying committed through use of technology (i.e., landline, car phone or wireless telephone, or through the use of data that are or computer software that is accessed through a computer, computer system, or computer network). The law also includes a statement that any "student who personally violates any provision of this section may be guilty of an infraction" under the criminal code (*Idaho Code* §18-917A). Key legislation recently passed in the state of Kentucky, known as the *Golden Rule Act*, amends provisions of the state's education code, but also references statutes in the criminal code related to "harassing behavior" and "harassing communications" (*Ky. Rev. Stat. Ann.* §158.444). The Virginia state legislature recently considered legislation that would make most serious cases of bullying punishable by a $2,500 fine and up to a year in prison, and would give victims legal recourse to sue students who bully.

The criminalization of bullying behavior was also evident in a recent Massachusetts lawsuit filed in state criminal court against five students whose alleged involvement in the persistent bullying of another girl contributed to her suicide. The youths involved in the case were charged with a number of criminal violations, including assault, criminal harassment, and civil rights violations (Khadarco, 2011). The five students were sentenced to probation and community service and the court case sets an important legal precedent as the first highly visible case of school bullying where students have faced criminal charges for their misconduct (Eckholm & Zezima, 2010). The legal action in the case generated broad public support, with 61 percent of registered voters in Massachusetts at the time expressing approval for making school bullying a crime (Suffolk University Political Research Center, 2010).

The Role of Administrative Regulations

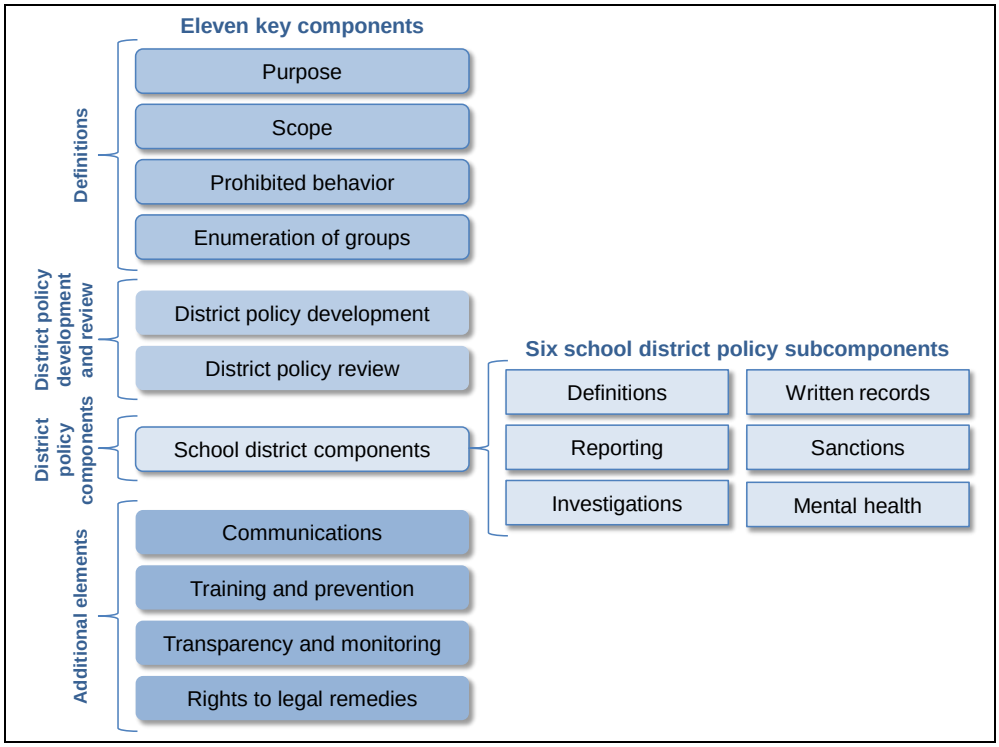
State legislatures also may grant regulatory authority to state boards and education agencies to implement rules that govern their administration. Several states, including Idaho, Hawaii, New Hampshire, Maryland, Rhode Island, Utah, and West Virginia, have established administrative rules and regulations that pertain to school bullying or to the safety of the school environment. Researchers reviewed state bullying rules and regulations as background for this study. These varied in length and content, ranging from general statements prioritizing a child's right to a safe educational environment to more extensive regulations that closely resemble legislation. As an

example, the state of Rhode Island's Board of Regents for Elementary and Secondary Education Basic Program Regulations outlines additional expectations beyond legislation for schools to establish a supportive and nurturing school community. The regulation affirms the right of students to attend school in a safe school environment free from discrimination against identified groups, reasserts expectations for districts to prevent and respond appropriately to bullying incidents, and emphasizes the use of positive behavioral supports and discipline to ensure that schools promote positive climate. The Rhode Island Board of Regents also expands on state law through a direct Policy Statement on Discrimination Based on Sexual Orientation and Gender Identity/Expression. The statement contains explicit requirements for districts to address harassment and bullying based on actual or perceived sexual orientation or gender identity/expression through the enforcement of appropriate student and staff behavior and disciplinary policies. Administrative rules and regulations were not systematically coded within the scope of this study, with the exception of the Board of Education's legislative rule for West Virginia, which is an official harassment and violence policy and functions as a model bullying policy for the state. Within states, however, these rules and regulations can serve an important function by imposing additional legal expectations on schools, clarifying school district obligations to comply with state law, or serving as models for local policy development.

Discussion of Key Components

The next section describes state bullying legislation within each of the key components identified in the Department's framework. The structure and organization of the key components represents the structure of most bullying legislation in states, and covers all of the major components found in existing laws. Exhibit 6 lists the 11 key components and six specific subcomponents of the framework that pertain to the content of school district policies.

Exhibit 6. Eleven key legislative and policy components and six school district policy subcomponents identified by the U.S. Department of Education, by category



This following narrative provides a detailed discussion of the content of legislation within each key component and provides examples to illustrate the range of required or encouraged provisions found in states laws.

Prohibition and Purpose Statement

Fifteen states' laws contain purpose statements that communicate the context or rationale for the law.

Purpose statements in legislation outline the range of detrimental effects of bullying on students and their school environments and communicate the importance of enacting the law. The purpose statement also conveys explicit prohibitions against bullying and related behaviors. Legislation was rated as more expansive when it contained a clear prohibition against bullying that was accompanied by statements communicating the legislative intent. Prohibitions found in legislation were either stated directly or indirectly through requirements for school districts to include prohibitions in their local policies.

Legislative bills that were enacted into law often included a preamble or purpose statement that communicated the purpose of the legislation. Fifteen states have carried this language into specific statutes in their education codes to signal the importance of the law and help frame the overall intent of the enacted statutes. These purpose statements embody different perspectives on the bullying issue. The most common themes emphasized the civil rights of students to be free from bullying and harassment, the need for safety and security of the school environment, the importance of positive school climate to support learning and achievement, or the detrimental effects of school bullying. The following examples illustrate differences in legislative emphasis:

- Arkansas state law finds that every student "has the right to receive his or her public education in a public school environment that is reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student" (*Ark. Code Ann.* §6-18-514).
- Illinois state statutes include a finding of the General Assembly that "bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence" (*105 Ill. Comp. Stat.* §5/27-23.7). This finding, encoded into law, establishes the justification for why new legislation was necessary to combat bullying behaviors in Illinois public schools.
- Iowa statutes state a commitment to providing students with "a safe and civil school environment in which all members of the school community are treated with dignity and respect. The general assembly finds that a safe and civil school environment is necessary for students to learn and achieve at high academic levels" (*Iowa Code* §280.28).

Thirty-nine state bullying laws directly prohibit bullying behavior or require that school district policies contain clear prohibitions.

Though most state laws communicate the intent to address bullying conduct in schools, not all state statutes contain clear legal prohibitions against bullying behavior. Seven states—California, Colorado, Connecticut, Kentucky, Missouri, Nebraska, and Pennsylvania—were less explicit in communicating legal expectations and avoided concrete prohibiting statements. The following state statutes provide examples of alternative language used in place of outright prohibitions:

- Connecticut statute requires each district to adopt policies "to address the existence of bullying in its schools" (*Conn. Rev. Stat.* §10-222-D);

- Pennsylvania requires districts to adopt bullying policies that "delineate disciplinary consequences for bullying," (*Pa. Cons. Stat.* §13-1303.1-A); and,
- Missouri statutes state that a district bullying policy "shall be founded on the assumption that all students need a safe learning environment" *(Mo. Rev. Stat.* §160.775).

In addition to prohibiting bullying, 25 state laws also prohibit, or require district policies to prohibit, reprisal against students or school personnel who report bullying incidents or who are involved with bullying investigations. Twenty states either directly prohibit or impose consequences for false reporting.

Statement of Scope

Forty-four state laws include language on scope, which establishes where legislation applies and what conditions must be present for schools to have authority over student conduct.

The statement of scope is one of the most common components of state bullying legislation. Idaho and Minnesota are the only two states that do not address scope in any form in their state bullying laws. As shown in Exhibit 7 all bullying laws covering scope apply to student conduct that occurs on school grounds or property, and nearly all apply to school-sponsored functions or events. Eleven laws covering school-sponsored functions extend jurisdiction to any activities, on or off campus, that are school-related, or that are supervised by school personnel, regardless of whether the function is sponsored by the school. More than three-quarters of state legislation also covers student conduct that occurs on buses or other school-owned or leased vehicles.

Exhibit 7. Statements of scope of bullying legislation, by number of states (n=46)

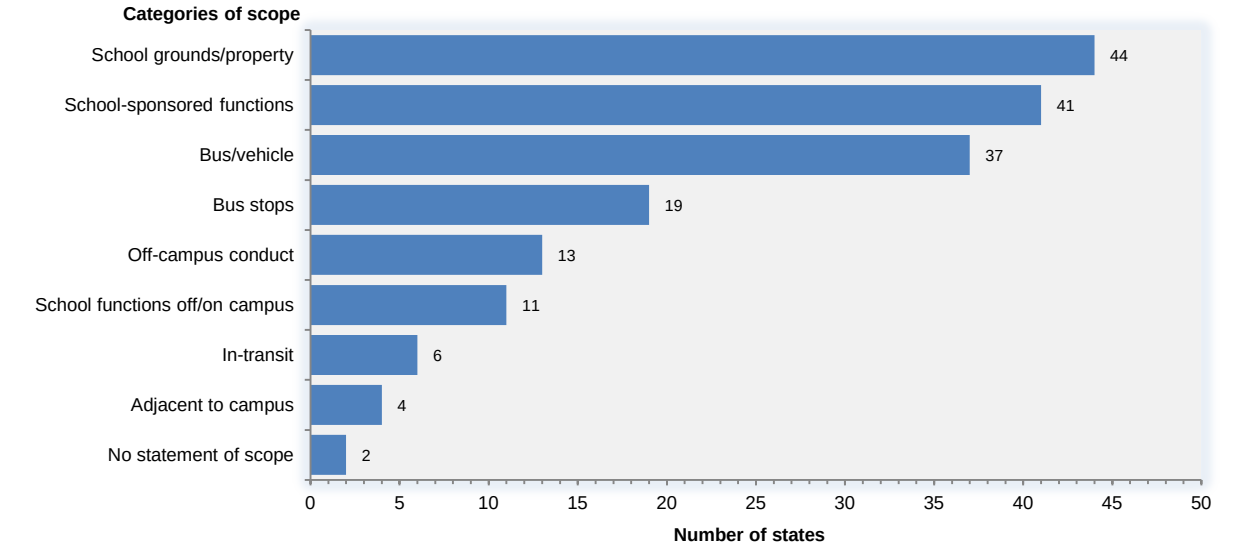


Exhibit reads: Forty-four state laws cover school grounds or school property in language describing the scope of school jurisdiction in enforcing bullying prohibitions.

Source: State bullying laws enacted through April 30, 2011.

Thirteen state laws extend the jurisdiction of schools to cover off-campus bullying conduct that is serious or disruptive enough to create a hostile learning environment. Massachusetts provides an example of the types of language found in legislation that extend scope to off-campus bullying acts.

The law states that bullying is prohibited at any location, activity, or function that is not school-related, or using technology or devices that are not owned by the school, "if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school, or materially and substantially disrupts the education process or the orderly operation of a school (*Mass. Gen. Laws. ch.71* §37O). For purposes of the analysis, legislation was rated as more expansive if it grants schools jurisdiction over both on-campus and off-campus bullying or cyberbullying behavior.

School jurisdiction over off-campus conduct is particularly relevant to issues of cyberbullying because students often commit acts of cyberbullying outside of the school setting using their own technology, rather than relying on school owned or leased computer systems. Experts, therefore, argue the need for schools to develop provisions for responding to any off-campus speech and behavior that results in "substantial disruption of the learning environment" (Hinduja & Patchin, 2008). The following are examples of state laws that address off-campus conduct, particularly related to cyberbullying:

- Arkansas statutes prohibit bullying by an electronic act "whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose (*Ark. Code Ann.* §6-18-514).
- Louisiana's cyberbullying provisions covers cyberbullying that occurs off school campus if the "actions are intended to have an effect on the student when the student is on school property (*La. Rev. Stat. Ann.* §416.13).

Responding to off-campus behavior can create challenges for schools in identifying students responsible for cyberbullying offenses and investigating complaints (Hinduja & Patchin, 2011). Schools that impose disciplinary consequences for off-campus conduct have often faced legal challenges for allegedly violating students' rights to free speech (Hinduja & Patchin, 2011). These first amendment concerns are reflected in nine states' statutes that each contains specific assurances that enforcement of school bullying policies shall not infringe upon a student's right to free speech or expression. In five states—Arizona, Delaware, Florida, Georgia, and Illinois—legislatures have minimized these challenges by limiting school jurisdiction over cyberbullying behavior to acts that are committed using school-owned or -leased computers, computer networks, or other technology.

The uncertainty surrounding the legal authority of schools to enforce rules governing off-campus behavior and the increasing number of court cases brought against districts may have led some elected officials and educators to rethink the scope of their legislation. For example, New Hampshire's *Pupil Safety and Violence Prevention Act* was recently amended in 2010 to expand jurisdiction to off-campus conduct that "occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school" (*N.H. Rev. Stat. Ann.* §193-F). The statute recently faced repeal within the state legislature based on the argument that covering bullying off school property "oversteps schools' responsibility" (Schiller, 2011). Although the proposed legislative amendment has since been overruled by the Senate, this legislative action could signal a shift within some states toward refocusing legislation that is perceived to have overreached in terms of expectations placed on schools.

Prohibited Conduct

Forty-three states include descriptions of bullying behavior that is prohibited under the law.

Prohibited conduct focuses on how bullying is defined in laws and policies and on what types of actions and conditions are prohibited. Experts argue that the way that bullying is defined in law has important implications for how behavior is viewed within the school community and the extent to which school personnel and other students recognize and respond to bullying situations (Swearer, Limber, & Alley, 2009). Failing to provide clear definitions of bullying also can lead to inconsistent approaches among school personnel to identification and enforcement (Swearer, Limber, & Alley, 2009). A significant challenge in defining bullying is determining when developmentally appropriate problem behavior, such as teasing, progresses into more serious misconduct that warrants intervention or disciplinary action. The growth of cyberbullying introduces added challenges to defining conduct that reasonably requires school action or enforcement. For purposes of the analysis, legislative statutes related to prohibited conduct are rated as more expansive when they include clear definitions of prohibited actions and conditions and also reference cyberbullying or electronic communications. The definitions of bullying contained in state laws are presented in Appendix C.

Forty-three state laws include definitions of prohibited conduct that may or may not be adopted into local district policies. Three states—Arizona, Minnesota, and Wisconsin—include prohibitions against bullying in their state statutes without specifically defining the behavior that is prohibited. Instead laws place responsibility for developing definitions with the state education agency through the mandatory development of a model bullying policy, or with local school districts through requirements that districts craft their own policies locally. Wisconsin requires districts to adopt their own definitions and to include them in district policies. Arizona state law does not define bullying conduct in any statute, nor does it require that policies at the local level contain definitions in any form.

Reviewing sections of legislation that describe prohibited behavior uncovered substantial variation in how bullying is defined across states. Though many terms and phrases are common to many states' definitions, no definitions are identical. Some state laws focus on specific actions (e.g., physical, verbal, or written), some focus on the intent or motivation of the aggressor, others focus on the degree and nature of harms that are inflicted on the victim, and many address multiple factors. In many instances, minor language, omitted or inserted into laws, can significantly alter the way in which the behavior and circumstances are legally defined (e.g., inclusion of the terms "physical," "overt," or "repeated").

Although definitions vary, there are also examples of common language shared across many state laws. For example, the condition that bullying is sufficiently serious that it creates a hostile educational environment is present in 21 state laws. Similarly, 15 states incorporate the legal concept of the "reasonable person," which serves as a comparative standard for determining whether observed behavior constitutes bullying. Each of these phrases borrows from existing civil rights legislation at the federal level (Green & Ross, 2005).

Fewer than half of the states conform to research-based definitions by describing bullying behavior as being repetitive in nature. Fourteen states actually restrict legal definitions of bullying to actions that are persistent, pervasive, or repeated over time. No states explicitly require that behavior involve

an imbalance of power to be legally defined as bullying, although some states incorporate this concept into their bullying legislation and model policies.

Most bullying laws do conform to research-based definitions by emphasizing the intentional nature of bullying behavior and the harms inflicted on targeted victims. Exhibit 8 reports the language commonly found in state legislation that identifies the impacts of bullying on victims. State laws most frequently define bullying as acts imposing "general harms," "threats of fear of harm," "physical harm" or "property damage." Less frequently laws described acts that "disrupt the school setting," "interfere with learning," or "cause psychological harm."

Twenty-nine states define bullying in a way that encompasses relational aggression, while eight states clearly limit bullying behavior to physical or verbal acts.

Prior studies of state bullying legislation also have focused on the extent to which state bullying definitions are inclusive enough to capture forms of social or relational aggression (Temkin, 2008). Relational aggression is defined as behavior that is intended to disrupt or harm a person's self-esteem or social status. It is typically used to undermine another child's relationships with friends or their feelings of inclusion in a social group (Swearer, 2008; Lee, 2009). Definitions of bullying adopted in early legislation often focused on overt physical or verbal acts. Missouri state law provides an example of a law that primarily defines bullying as a form of physical aggression, or, more specifically, as "intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property" (*Mo. Rev. Stat.* §160.775. 1).

Exhibit 8. State bullying legislative language to define bullying behavior and associated harm, by number of states (n=46)

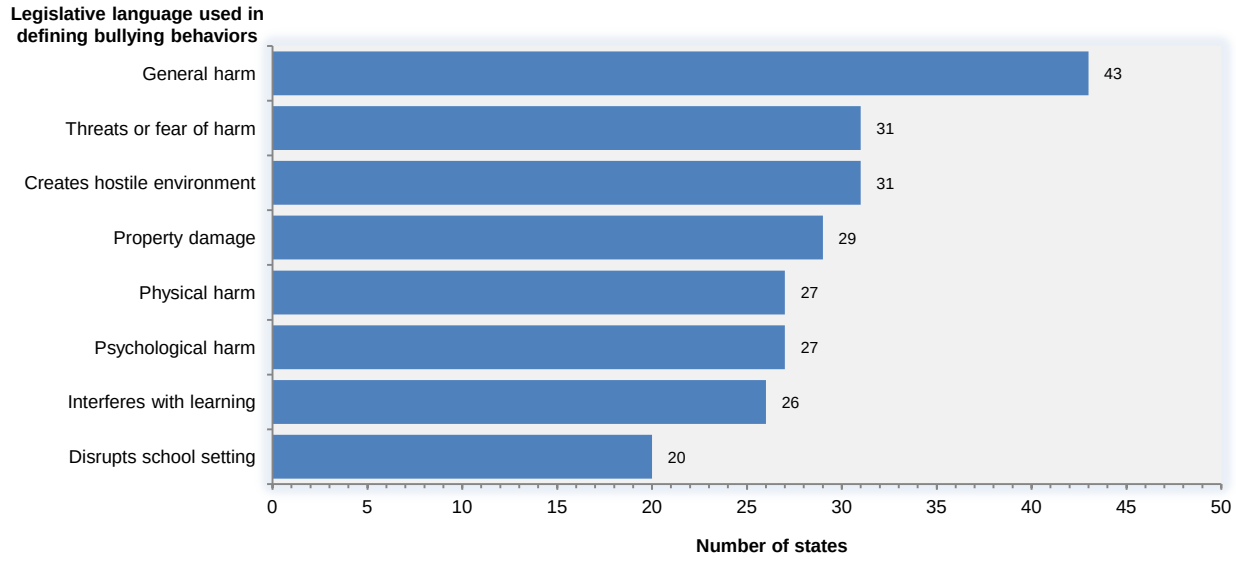


Exhibit reads: Legislation in 43 states includes the language "general harm" to define bullying behaviors.
Source: State bullying laws enacted through April 30, 2011.

As the body of legislation is continually amended, many states' definitions have expanded to encompass a broader range of direct and indirect actions, which include gestures, rumor-spreading, or other forms of social exclusion that meet criteria for relational aggression. Twenty-nine states now have definitions that can be interpreted to cover relational aggression, and many contain clear and specific prohibitions against these types of behaviors.

Thirty-six states now include specific statutes addressing cyberbullying or the use of electronic communications to inflict harm on victims.

The growth in cyberbullying behavior and the challenges it poses to schools has resulted in more states amending legislation to address cyberbullying among students. As shown in Exhibit 9, 36 state laws now include language that prohibits cyberbullying and 25 include specific definitions of cyberbullying behavior. Twelve states used the term "cyberbullying" explicitly, while others incorporate a range of related terms. These include references to electronic communications, harassing communications, electronic acts, electronic abuse, use of electronic means, or use of data or computer software. The specific definitions of cyberbullying found in state legislation are presented in Appendix D.

Exhibit 9. State legislation addressing cyberbullying or electronic bullying acts, by number of states (n=46)

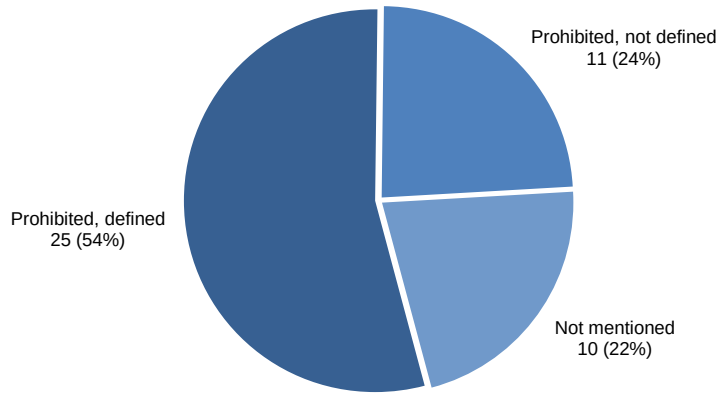


Exhibit reads: Twenty-five states, or 54 percent of states with bullying laws, include language that prohibits and specifically defines cyberbullying or electronic acts.

Source: State bullying laws enacted through April 30, 2011.

Enumeration of Specific Characteristics

Seventeen state bullying and harassment laws include language enumerating the characteristics of protected groups.

The enumeration of specific characteristics refers to the language in bullying legislation that conveys explicit legal protections for certain groups or classes of individuals, or for anyone bullied based on personal characteristics, such as physical appearance or sexual orientation. Enumeration can be used in bullying legislation to limit the legal definition of bullying to acts that are motivated by characteristics, or it can be used more symbolically to communicate that discrimination against certain groups will not be tolerated. Although outside the scope of this report, some state and local anti-discrimination laws may also create legal responsibilities for school districts to address bullying and harassment based on enumerated characteristics.

Exhibit 10 reports the number of states with legislation listing protected classes and the different individual characteristics or attributes that are enumerated in state statutes. Seventeen state laws currently include language that names or references protected classes in their bullying definitions or in harassment provisions that are directly linked to or referenced in bullying statutes. Eleven states—Arkansas, Illinois, Maine, Maryland, New Hampshire, New Mexico, New York, North Carolina, Oregon, Virginia, and Washington—all prohibit bullying based on a non-exhaustive list of identified

characteristics or attributes, in addition to prohibiting other forms of bullying behavior that are not motivated by characteristics of the target or victim. Six other states also enumerate protected categories, but are more restrictive in how bullying is defined. For example, Iowa and New Jersey only prohibit bullying behavior that is motivated by characteristics of the target or victim, including, but not limited to the characteristics listed in the law. California, Florida, and Vermont each define bullying and harassment separately, but limit definitions of harassment, or characteristic-based bullying, to only those categories listed. Alabama's harassment law only prohibits behavior that is motivated by the characteristics of named groups and grants the state department of education authority over defining the minimum list of groups that are protected. The law gives local school districts further discretion to expand upon the enumerated categories based on local circumstances. Mississippi does not enumerate protected groups in its law, but does define bullying as behavior that is motivated by the perceived or actual characteristics of the victim.

Exhibit 10. Enumerated characteristics in bullying legislation, by number of states (n=17)

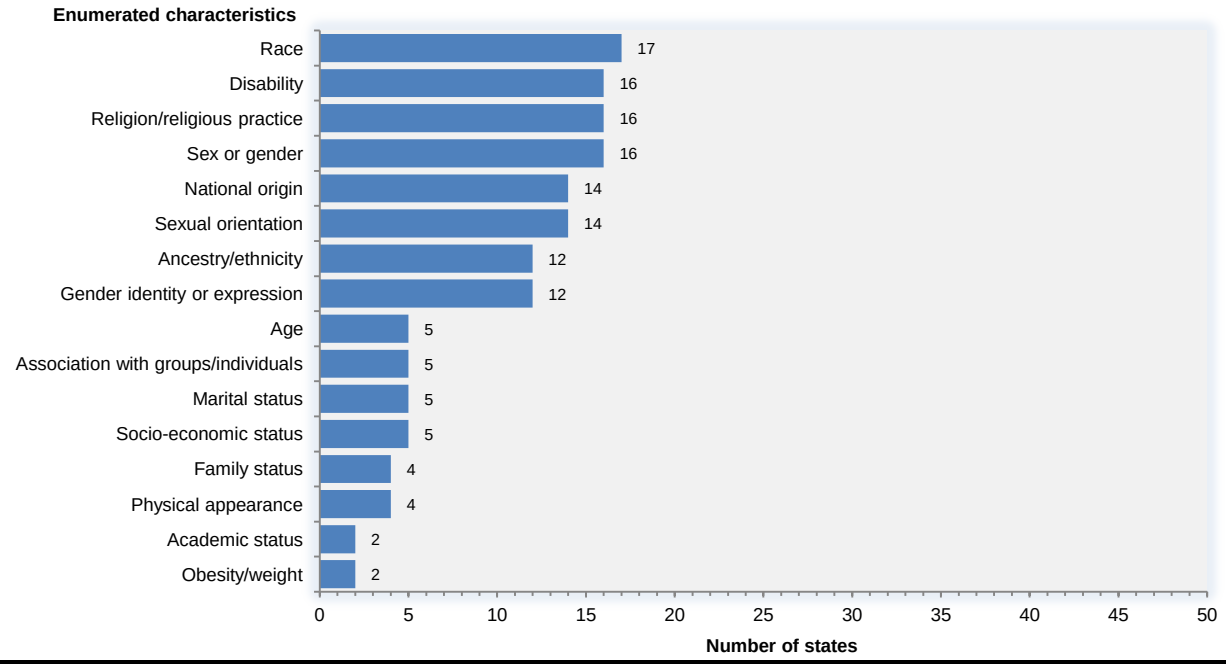


Exhibit reads: Race is a protected group in 17 state bullying laws.
Source: State bullying laws enacted through April 30, 2011.

Other states include language in their legislation discouraging or prohibiting school districts from defining bullying in terms of the characteristics of targeted students. For example, Missouri state law prohibits any school district from adopting a policy that safeguards specific classes of students, citing a commitment to providing equal protections for all students in its public schools. Although Florida's bullying law explicitly prohibits harassment based on sex, religion, or race, it also requires that each district's bullying and harassment policy "afford all students the same protection regardless of their status under the law," while allowing districts to "establish separate discrimination policies that include categories of students" (*Fla. Stat. Ann.* §1006.147).

The protected groups most commonly referenced in state bullying laws are those covered under federal legislation, which include race, national origin, religion, sex or gender, and disability. Sexual orientation is also listed as a protected class in 14 of the 17 states with enumeration language. Other

characteristics that appear in state laws include ethnicity, gender identity or expression, family status, physical appearance, weight, marital status, socioeconomic status, age, academic status, and association with protected groups or individuals, regardless of whether the target is a group member.

The history of legislative activity around school bullying in states that have not yet enacted bullying laws suggests that enumeration of protected groups or characteristics has been the subject of controversy in crafting legislation, revealing divergent perspectives on the importance and benefit of naming classes that are specifically protected under bullying laws and policies. Proponents in favor of inclusion argue that naming groups provides a clear directive to schools about the need to safeguard populations that are most vulnerable to bullying, without affecting protections for other students. Advocates have pushed for the inclusion of enumeration in state laws on behalf of lesbian, gay, bisexual, and transgender (LGBT) youths who experience extremely high rates of bullying victimization, but who are not legally protected under federal civil rights legislation (Anti-Defamation League, 2009). The U.S. Supreme Court, in its ruling in *Romer v. Evans* (1996), supported the use of enumeration of groups in law by arguing that it provides an "essential device used to make the duty not to discriminate concrete" (Anti-Defamation League, 2009). In the Romer case, the court struck down a Colorado state constitutional amendment as a violation of the equal protection clause. The proposed amendment forbade the state and its agencies from enacting, adopting, or enforcing any laws or policies giving special legal protections to homosexuals.

Civil rights advocacy organizations who research the prevalence and reporting of bullying behaviors have found positive effects within school environments when policies contain these explicit protections for vulnerable populations. Specifically, studies have shown that there is lower prevalence of bullying behavior and increased propensity to report threats or bullying acts against LGBT students when specific protections are covered under school bullying policies (GLSEN, 2010).

Other experts advise against the inclusion of protected classes in legislation, arguing that bullying should be defined solely based on behavior and not on the characteristics of students who are bullied. They also argue that the highly politicized nature of the enumeration discussion often lengthens debate within state legislatures over which classes should or should not be protected in laws, delaying their enactment (Alley & Limber, 2009). In states without bullying legislation, this controversy has been a key factor contributing to the failure to pass proposed bullying legislation (Heywood, 2009). Legal experts also caution against limiting definitions of bullying to behavior motivated by certain listed characteristics since most bullying is motivated by factors like personal appearance that are unrelated to class or group affiliation (Sacks & Salem, 2009).

Development and Implementation of School District Policies

Forty-five states' bullying laws instruct school districts to develop and adopt local policies to respond to bullying in schools.

Almost all state bullying legislation requires school districts to develop and implement bullying policies. Statutes typically require districts to create and adopt school policies according to established deadlines, and some set expectations for states to review policies to ensure compliance. Exhibit 11 identifies which states include specific policy requirements and indicates whether laws establish specific time lines for their development. The most expansive laws are those that mandate a district policy and set deadlines for districts to comply that are written into statutes.

Thirty-two states identify a specific date by which local policies need to be updated or created. Twenty-six of these states set deadlines dated 2007 forward. This exhibit highlights the recent nature of most state legislation and suggests that the majority of school districts are governed by new or revised bullying policies that have only been implemented within the past five years.

Exhibit 11. State law requirements for the adoption of school district bullying policies and date required, by state (n=50)

State	District policy required	Required date, if specified	State	District policy required	Required date, if specified
Alabama	✓	7/1/2010	Montana	No law	
Alaska	✓	7/1/2007	Nebraska	✓	7/1/2009
Arizona	✓		Nevada	✓	
Arkansas	✓		New Hampshire	✓	1/1/2011
California	✓		New Jersey	✓	9/1/2011
Colorado	✓	8/8/2001	New Mexico	✓	4/1/2007
Connecticut	✓	2/1/2009	New York	✓	
Delaware	✓	1/1/2008	North Carolina	✓	12/31/2009
Florida	✓	12/1/2008	North Dakota	✓	7/1/2012
Georgia	✓	8/1/2011	Ohio	✓	9/29/2010
Hawaii [a]	No law		Oklahoma	✓	
Idaho	✓		Oregon	✓	
Illinois	✓		Pennsylvania	✓	1/1/2009
Indiana	✓		Rhode Island	✓	9/1/2004
Iowa	✓	9/1/2007	South Carolina	✓	1/1/2007
Kansas	✓		South Dakota	No law	
Kentucky	✓	11/30/2008	Tennessee	✓	1/1/2006
Louisiana	✓	8/1/2001	Texas [b]	Not required	
Maine	✓	9/1/2006	Utah	✓	9/1/2012
Maryland	✓	7/1/2009	Vermont	✓	1/15/2007
Massachusetts	✓	12/31/2010	Virginia	✓	
Michigan	No law		Washington	✓	8/1/2011
Minnesota	✓		West Virginia	✓	12/2001
Mississippi	✓	12/31/2010	Wisconsin	✓	8/15/2010
Missouri	✓	9/1/2007	Wyoming	✓	12/31/2009

Exhibit reads: Alabama state law required school districts to develop district bullying policies by July 1, 2010.

[a] Analyses in this report reflect enacted bullying legislation as of April 2011. These analyses do not include the enactment of Hawaii's bullying legislation, House Bill 688, which was signed into law on July 11, 2011.

[b] On May 9, 2011, Texas passed a law requiring school districts to adopt a bullying policy. This legislation was not included in the current analyses, as this table is current through April 30, 2011.

Source: State bullying laws enacted through April 30, 2011.

Most state laws convey expectations for districts to develop policies that delineate a range of required components, such as reporting and investigation procedures, consequences for prohibited conduct, school personnel training provisions, or support services for victims. As discussed in an earlier section of Chapter II, the majority of state laws prescribe minimum components that must be covered in district policy documents. Twenty-six states, for example, contain a designated section of statute that lists these policy provisions. Nine states require or encourage districts to develop content based on components of model policies created by state departments of education or school boards associations.

Ten state laws are less prescriptive, requiring that districts develop and adopt school bullying policies, without specifying policy components. These states may outline responsibilities for districts to respond to school bullying, such as monitoring and reporting incident data, but do not explicitly require expectations to be tied to a bullying policy. Two of these 10 states—Nebraska and Minnesota—set minimum requirements for districts to develop policy documents, but do not set legal requirements for their content, placing full discretion over policy development at the local level. Another of the 10 states—California—requires school districts to adopt policies addressing peer harassment, but does not set similar policy expectations for governing bullying in schools.

As of April 2011, Texas was rated as the only state without any formal requirement for districts to create bullying or harassment policies. Until recently, Texas state law only required districts to develop general codes of conduct governing student behavior in schools, which listed bullying as one of several prohibited behaviors. The requirement was changed in June 2011 when the governor of Texas signed new legislation requiring districts to create and adopt formal bullying policies for Texas public schools.

State laws also vary in how they instruct school districts to integrate new bullying provisions into existing school-based policy documents. Several states require districts to create stand-alone policies that are also integrated into school disciplinary policies or codes of student conduct. Six states—Delaware, Florida, New Hampshire, Utah, Vermont, and West Virginia—all require districts to integrate bullying policies into existing policies on school discipline. Missouri only requires language on harassment to be contained within the discipline policy due to the criminal classification of the offense. Five other states—Colorado, Georgia, Louisiana, Maine and New York—require districts to integrate the bullying policy into the student code of conduct, and one—Mississippi—requires that policies be placed in both the student discipline policy and code of conduct. Two states—Idaho and Indiana—direct districts to address bullying as prohibited conduct within their disciplinary policies but do not require the development of a stand-alone bullying document. For example, Idaho's state law outlines powers and duties of local school boards to "prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying" (*Idaho Code* §33-512). The remaining states do not include specific language regarding how policies should be integrated into existing school policy documents.

Nineteen states also include an additional provision requiring or encouraging local districts to develop policies through a collaborative process involving interested stakeholders. The types of stakeholders identified in laws include parents or guardians, students, volunteers, school personnel, community representatives, and members of local law enforcement. Policy experts have suggested that this type of collaborative process promotes agreement about behavioral norms and expectations, ensures that community values are reflected in district policies, and promotes policy awareness throughout the school community (Lerman, 2010).

Review of Local Policies

Twenty states outline accountability measures that require school districts to submit bullying policies to the state for review.

Districts in 20 states are required to submit their new or revised policies to the state department of education or other state agency for review following their development. The remaining states only require that districts develop local policies, but do not create mechanisms for formal review outside

of the district. More expansive laws are those that require a review of policies and outlined detailed provisions regarding the review process.

Legislation in eight states—Arkansas, California, Delaware, Florida, North Dakota, Oklahoma, Oregon, and Washington—mandates a formal review of policies at the state or county level. For example, Arkansas' newly amended state law requires review of district policies by the state department of education, which "may recommend changes or improvements to the districts if the state board determines that the policies need improvement (*Ark. Code Ann.* §6-18-1005). Five states' laws threaten sanctions for districts that are not in compliance with the requirements of the law. Among these five states, Delaware has one of the strongest accountability provisions for policy development and review. Its statutes require that districts develop and submit local bullying policies to the Delaware Department of Education by a specified date and mandates annual policy reviews by this department to ensure compliance with state and federal laws and regulations. State funding provided to districts through the Comprehensive School Discipline Improvement Program is contingent upon state approval of each district's bullying prevention policy. The law further states that "to the extent that funding is available the State Department of Education will provide for an award system for schools with exemplary programs based on criteria promulgated by the Delaware Department of Education" (*Del. Code Ann. Tit. 14* §4112D).

The state of Florida is another example of a state with strong accountability measures. The law makes the distribution of safe schools funds to a school district contingent upon the department of education's approval of the school district's bullying and harassment policy. The department's approval of each school district's policy must be certified by the department and must be "in substantial conformity with the department's model bullying and harassment policy." The Florida law further states that starting in fiscal year 2010–11 funds provided to a school district "shall be contingent upon and payable to the school district upon the school district's compliance with all reporting procedures contained in this section"(*Fla. Stat. Ann.* §1006.147).

Communications

Forty-two laws require school districts or boards of education to include procedures for publicizing bullying policies.

Clear communication of policies is essential to ensure that all members of the school community have a shared understanding of how bullying is defined, are knowledgeable about their personal responsibilities related to bullying in schools (e.g., expected conduct, requirements for reporting) and are aware of the consequences for violating school guidelines (Lerman, 2010). Forty-two states contain language conveying expectations for school districts to develop procedures to publicize their local policies. These requirements range from general directives to disseminate policies to students, parents, and school personnel, to more specific requirements for how policies should be communicated. Examples include requirements to post policies on websites or in visible locations on school campuses, publicize policies in student and employee handbooks or codes of conduct, encourage or mandate active discussion with students regarding policy contents, and actively discuss policies with school personnel to ensure consistent application and enforcement (e.g., through in-service trainings). More expansive laws are those that mandate districts to actively communicate with students and school personnel about policy contents and to disseminate copies of policies in writing.

Exhibit 12 identifies the number of state laws that set requirements for policies to be communicated to school personnel, families, and students. Forty-one states contain specific language regarding how

policies should be communicated. Thirty-two states require local districts to publish their policies (e.g., prohibited behaviors, consequences, and procedures for reporting) in the student codes of conduct or student handbooks, and 22 require that policies be contained in employee handbooks or personnel manuals. Sixteen states either require or encourage districts to hold active discussions with students about behavioral guidelines related to school bullying policies.

Exhibit 12. Legislative expectations for communicating school district bullying policies, by number of states (n=46)

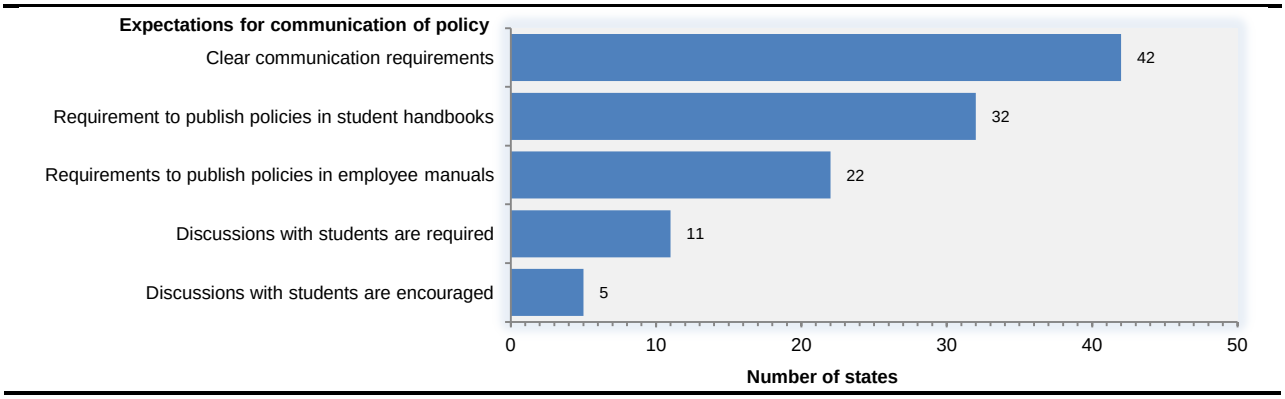


Exhibit reads: Forty-two state laws have established clear requirements for school districts to communicate bullying policies.
Source: State bullying laws enacted through April 30, 2011.

Training and Prevention

The training and prevention components of state legislation encompass a range of provisions, including professional development activities for school personnel to educate them on how to prevent and appropriately respond to bullying situations, bullying education or awareness programs for students, and programs that promote whole-school approaches to improving climate in schools related to bullying and harassment. States use different approaches to legislating training and prevention components. For school personnel training, state laws typically mandate or encourage professional development as a component of school district bullying policies. For prevention, state laws either require or encourage school districts to implement prevention programs directly, often as a component of district policy, or transfer control over prevention policy to locally established committees and task forces. The most expansive bullying laws contain provisions for mandatory prevention education or training for both students and school personnel.

Ten states either mandate or encourage districts to establish bullying prevention task forces, safe schools committees, or other local advisory groups to address school-wide prevention.

Ten states either require or encourage school districts to establish a local prevention task force or safe schools committee to examine bullying issues on school campuses and to develop approaches to bullying prevention and education. Specific responsibilities outlined in laws include monitoring bullying prevalence, providing training for school personnel, and developing school-based prevention and intervention strategies. The formation of a local task force was mandated in six states and encouraged in four others.

Twenty-five states mandate that districts develop and implement training for school personnel.

Research has demonstrated that school personnel are often unaware of how to respond to bullying thereby necessitating training (Allen, 2010). Twenty-five states require local school districts to develop and implement staff training to educate personnel about bullying policies and to support consistent enforcement. Another eight state laws included discretionary language encouraging schools to incorporate employee in-service training programs.

Twenty states mandate that districts implement bullying prevention, education, or awareness programs for students and 11 states use discretionary language to encourage prevention efforts.

Research has shown that whole-school prevention programs establish expectations related to bullying and can shift cultural norms regarding the acceptance of bullying acts and the roles of bullies and bystanders (O'Brennan, Bradshaw, & Sawyer, 2009). Among states that address bullying prevention, education, or awareness programs in their laws, 20 mandate implementation, and another 11 encourage schools to comply with prevention recommendations. The following provides examples of legislative expectations for prevention programming:

- Maryland's bullying legislation requires county boards of education to develop an educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents (*Md. Code Ann., Educ.* §7-424.1).
- New Hampshire state laws requires each school district to provide educational programs for students and their families on "preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying" (*N.H. Rev. Stat. Ann.* §193-F:5).

Only three state laws include language in legislation identifying sources of funding to support bullying prevention programming. The remaining states do not address issues of funding, or encourage districts to implement prevention as funds become available. This finding reflects concerns often raised by school districts regarding the presence of unfunded mandates in state bullying laws (Associated Press, 2009).

Transparency and Monitoring

Eighteen state laws outline specific requirements for monitoring and compiling data on bullying complaints.

For schools to effectively address issues with school-based crime and violence they need an accurate understanding of the extent, nature, and context of the problem (Nieman, 2010). However, the accurate monitoring and reporting of bullying incidents in schools represents a potential challenge for states and school districts. Although requirements in the *Elementary and Secondary Education Act of 1965*, as amended, stipulate that states must make information on suspensions and expulsions related to threatening (e.g., bullying) or violent behavior available to the public, reporting is usually too general to allow bullying-related incidents to be isolated from other types of data.

About one-third of states require school districts to compile and report data involving incidents of bullying behavior on their school campuses through legislation, although recent amendments to state laws have added data-reporting provisions. Sixteen states now require that bullying incident data maintained by local districts be reported to the state board of education. A few states also mandate that state boards compile district data into formal reports that are posted publicly or reported to the state legislature. Two states only require districts to compile incident data locally. For example, the state of Ohio requires district offices to compile a written summary of reported

incidents and to submit data to the local school board to be posted on the school board website; however, there is no expectation that districts submit compiled data to the state (*Ohio Rev. Code Ann.* §3313.666).

Few laws contain detailed language articulating the data elements or data reporting procedures to be used in preparing and submitting incident reports. One exception is the state of Florida where district bullying policies require the adoption of procedures for reporting incidents of bullying or harassment as part of their uniform school safety and discipline reporting. The law specifically requires districts to report individual incidents and their consequences, including discipline and referrals. The reports also include data on incidents of bullying or harassment that do not meet the criteria of a prohibited act, presumably to provide information to use in assessing the adequacy of definitions. The law requires the department of education to aggregate information contained in the reports and links district compliance with incident reporting requirements to the distribution of safe schools funds (*Fla. Stat. Ann.* §1006.147).

The state of Maryland also requires the state department of education to create a standardized reporting form that identifies the victims and the aggressor, describes the incident and its location, documents any physical injuries that occurred, the number of resulting absences from school, and any requests for mental health services for the victim or victim's family. The form is distributed to each public school, and schools must submit these forms to the county board of education. The county board of education provides annual summaries of compiled data to the state board (*Md. Code Ann., Educ.* §7-424). These types of clearly outlined procedures for data monitoring and reporting were relatively rare in state bullying legislation.

Right to Pursue Other Legal Remedies

Eighteen state laws include specific statutes addressing the rights of bullying victims to seek legal remedies under law.

Schools have the responsibility to ensure the safety of the school environment and to provide students with appropriate care and supervision while on school property or when attending school-related events. When students experience persistent bullying and harassment school personnel and boards of education may be held liable for failing to protect them from foreseeable risks, and may be subject to civil claims under state law or federal law (Hutton & Bailey, 2007). These types of claims may offer legal remedies to bullying victims in accordance with their rights under state and federal law.

Legal claims against schools are often brought as harassment claims under federal civil rights laws protecting classes of individuals discriminated against on the basis of race, national origin, sex, or disability (Sacks & Salem, 2009). The ruling of the United States Supreme Court in the case of *Davis v. Monroe County Board of Education* established the precedent that schools receiving federal funds could be held liable for damages in peer harassment cases. School may be liable if the harassment is proven to be so "severe, pervasive and objectively offensive" that it deprives the victim of access to educational opportunities or benefits, and if the school had actual knowledge of the harassment but was "deliberately indifferent" to it. The court's ruling in *Davis*, which involved a claim for peer-on-peer sexual harassment in violation of Title IX of the *Educational Amendments of 1972*, has been applied in cases involving harassment based on race, color, and national origin in violation of Title VI of the *Civil Rights Act of 1964* and harassment based on disability in violation of Title II of the *Americans with Disabilities Act* and Section 504 of the *Rehabilitation Act of 1973* (Sacks & Salem, 2009).

The *Davis* ruling has moved school districts to respond more proactively to bullying issues on their campuses to limit liability.

In addition to seeking claims under federal civil rights statutes, victims of bullying may seek legal remedies under state tort law. These claims have involved rights of action, such as negligence or wrongful death lawsuits when bullying contributes to the suicide of a victim.

Bullying legislation in 18 states conveys assurances to victims that state bullying statutes do not limit the rights of victims to make legal claims against individuals or schools or to pursue other legal remedies. These assurances in legislation are commonly titled the "victims' rights to redress" and their language is fairly uniform across states. For example, North Carolina's bullying statutes assert that the law should not be "interpreted to prevent a victim of bullying or harassing behavior from seeking redress under any other available law, either civil or criminal" (*N.C. Gen. Stat.* §115C-407.18). Similarly, an Oregon statute addressing victim redress asserts that the law "may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying from seeking redress under any other available law, whether civil or criminal." Statutes also often state that provisions do not "create or alter any tort liability" or "do not create any statutory cause of action" meaning that districts cannot be held liable for failing to implementing bullying policies (*R.I. Gen. Laws* §16-21-26).

School District Components

In addition to the 10 key components discussed in the previous sections, the Department's guidance establishes a separate category for components of school district policies that are often prescribed in state bullying laws. The six subcomponents include: definitions of bullying, reporting, investigations and response, written records, sanctions, and mental health referrals. The following section provides a discussion of each specific subcomponent. The information presented encompasses all provisions present in each state's law, regardless of whether the component is contained within a section of law delineating requirements of school district policies, or is addressed in other sections of legislative text.

Twenty-nine state laws require local bullying policies to contain a definition of bullying and 23 states require that local definitions conform to those contained within the law.

Twenty-three states specifically require that definitions of bullying adopted by school districts conform to how state legislatures define bullying in the law. These requirements generally grant districts local autonomy to expand on required language as long as new definitions do not impose limiting conditions on protected groups or prohibited behaviors. As an example, Pennsylvania statutes limit the scope of the state bullying law to acts that "occur in a school setting;" however, the law also states that school entities "shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting" as long as those acts meet other criteria for prohibited behavior under the law (*Pa. Cons. Stat.* §13-1303.1-A).

Thirty-six state laws require that district policies establish reporting procedures. Twenty-two laws require district policies to either mandate or encourage reporting of bullying incidents by school personnel.

Exhibit 13 shows the number of states with or without reporting requirements and the number that assign legal responsibility for reporting to school staff or students. Fifteen states mandate that district policies require reporting by school personnel who have first-hand knowledge of bullying on

their school grounds. Two additional states—Alaska and South Carolina—require mandatory reporting by staff and by students who witness bullying.

Exhibit 13. Legislative requirements for reporting bullying incidents: Number of states by reporting type (n=46)

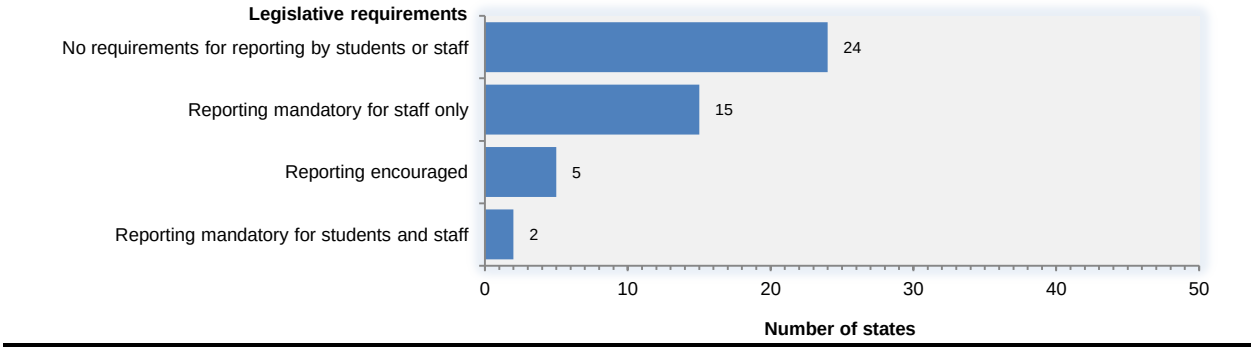


Exhibit reads: Twenty-four state laws do not establish requirements for reporting bullying incidents.

Source: State bullying laws enacted through April 30, 2011.

Unlike states that have moved toward mandatory involvement of school personnel in responding to bullying situations on school grounds, Alabama's state statutes absolve school personnel of any liability related to reporting of bullying incidents (*Ala. Code* §16-28B-5). The Alabama law requires that the state model policy include language clarifying that it is the "sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of harassment." Alabama school districts, in turn, are required to develop local policies that conform to the state model.

Research studies and national survey data findings suggest that many students are reluctant to seek help when they are bullied or feel threatened at school (Eliot, 2010). These findings are supported by recent data from the 2009 national Youth Risk Behavior Surveillance (YRBS) survey, which found that only one-third of secondary school students who had been bullied at school ever notified a teacher or other adult about the experience (CDC, 2010). Accordingly, experts have argued for the importance of creating mechanisms for students to report bullying anonymously. Thirteen states mandate that districts establish procedures for anonymous reporting by students, although language sets limits on imposing disciplinary actions without a documented report. The state of Colorado has enacted specific legislation (Senate Bill No. 07-197) that establishes the Safe-To-Tell electronic hotline, which provides students, teachers, and other school employees with the means to relay information anonymously regarding threats in the school setting (NCSL, 2011).

Thirty-one state laws require that district policies outline procedures for investigating bullying complaints.

The language regarding investigations in most state laws involves a simple directive that policies establish investigation procedures. As an example, Delaware statutes contain a requirement that "each school have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred" (*Del. Code. Ann. Tit. 14*, §4112D). Some states, however, convey more detailed expectations for investigations in policies. Fourteen states' policy requirements, for example, include mandatory provisions for parent notification in bullying situations for both the victim and the aggressor. Ten states specify that an investigation and follow-up must include safeguards for victims and witnesses who report bullying incidents to protect them

from further bullying threats or retaliation. Ten of the 31 states required that districts include formal processes for following up on investigations and require that schools communicate the results of the investigation to parents and guardians of involved students.

Procedures for investigating bullying complaints required under law are usually discussed in general terms giving districts the flexibility to establish their own local procedures. There are, however, notable exceptions. New Jersey, for example, has one of the most prescriptive laws regarding the conduct of investigations of bullying complaints, which lays out detailed administrative requirements for school personnel. The state law mandates that investigations be conducted by a school bullying specialist appointed within each district, that they be initiated within one day of a report, and be completed within a 10-day period. The law further outlines a series of detailed steps for reviewing investigative procedures.

Eighteen states include language regarding written documentation of bullying complains and investigations.

Studies conducted within school settings emphasize the importance of written records, including the use of standardized reporting or complaint forms, documentation of investigations, and formal written communications with parents or guardians. Researchers suggest that use of written reports and documentation are important for creating a record of bullying situations that can help monitor problems and how they are resolved. This information can facilitate communication among school personnel and help determine the seriousness of the issue (Allen, 2010).

The language regarding use of written records as part of reporting and investigation procedures varies considerably across states. For example, West Virginia state law requires a policy for "documenting any prohibited incident that is reported" (*W. Va. Code Ann.* §18-2C-3). Arizona's state statutes include a similar provision requiring policies to include "a procedure for parents and guardians of pupils to submit written reports to school officials of suspected incidents of harassment, intimidation or bullying" (*Ariz. Rev. Stat.* §15-341). Alabama's harassment law is much more extensive requiring "a clearly defined procedure for students to use in reporting harassment, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of harassment, intimidation, violence, and threats of violence based on the personal characteristics of a student" (*Ala. Code* §16-28B-4).

Forty-two state laws require that district policies contain clear statements regarding disciplinary sanctions for prohibited behavior.

Most state statutes reflect a traditional approach to intervening in bullying situations involving investigation and use of disciplinary sanctions or consequences to correct misconduct (Allen, 2010). State laws with more expansive policy requirements outline a range of graduated sanctions for bullying behavior that includes nonpunitive responses to bullying behavior, such as Positive Behavioral Interventions and Supports (PBIS). PBIS is a prevention-based, school-wide system for promoting and reinforcing behavioral expectations in the school setting that uses structured behavioral interventions and supports to respond to problem behaviors. It is often applied within school settings to address bullying-related problems (Illinois PBIS Network, 2010).

Illinois state statutes offer an example of policy requirements that emphasize both punitive and nonpunitive responses to bullying behavior. The state law requires that district policies "must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as

defined in the policy. These provisions must include procedures for notifying parents or legal guardians and early intervention procedures based upon available community-based and district resources" (*105 Ill. Comp. Stat. Ann.* §5/10-20.14).

Bullying legislation in the state of Georgia offers an example of one of the strongest punitive sanctions for bullying behavior. It requires as a component of district policy that any student involved in bullying on three or more occasions be automatically transferred to an alternative school (*Ga. Code Ann.* §20-2-751.4).

State laws strongly emphasize disciplinary consequences for bullying behavior that, in some states, include the potential for criminal charges and penalties. Fifteen states have each passed bullying laws that include procedures for imposing criminal sanctions for bullying behavior, either by requiring districts to develop protocols for law enforcement reporting as part of their bullying policies, or by mandating or encouraging reporting for offenses that may violate criminal law. Alaska and Illinois statutes require districts to establish procedures and guidelines for law enforcement reporting without mandating reporting explicitly. Similarly, Maine requires the development of a state model policy that outlines procedures for law enforcement reporting (*Me. Rev. Stat. Ann. Tit. 20-A, §1001.15*). Missouri state threatens penalties for school personnel who fail to report incidents that constitute a criminal offense (*Mo. Rev. Stat.* §167.117.1).

Thirteen states include language regarding a school district's role in facilitating access to mental health services or supports for targets of bullying.

Researchers and practitioners have argued the importance of providing support for victims of bullying, including protections from continuing harm and mental health services (Lerman, 2010). Thirteen states have specific provisions that either require or encourage districts to respond to the mental health needs of victims. Oklahoma statutes offer a strong example, stating that policies shall include a procedure whereby "a school may recommend that available community mental health care options be provided to the student, if appropriate" (*Okla. Stat. Ann. Tit. 70*, §24-100.4).

Mental health provisions in state statutes represent a range of expectations for what district policies should contain for addressing mental health needs of bullying-involved youths. One of the least stringent requirements was found in Delaware state law, which mandates that district policies include "a procedure for communication between school staff members and medical professionals who are involved in treating students for bullying issues." The policy does not, however, convey any clear expectation that schools actually provide or link students to these services (*Del. Code Ann. Tit. 14*, §4112D).

More expansive laws include mandates for counseling or intervention services for targets of bullying provided through the district or through arrangements with community-based providers. The state of New Jersey has one of the strongest counseling and intervention components written into law. It requires that policies articulate a range of possible responses to any identified incident of bullying, harassment, or intimidation, which "shall include an appropriate combination of counseling, support services, intervention services, and other programs" (*N.J. Stat. Ann.* §18A:37-15). The states of Connecticut, Florida, Maryland, Massachusetts, and New Jersey contain explicit language related to providing student support to both victims and bullies.

Coverage of Key Components in State Legislation

The next section summarizes the results of a systematic review of state bullying legislation examining the extent to which legislative statutes across the 50 states cover the 11 key components. Researchers reviewed and coded each of the 11 key components, of which the school district policy component was divided into six separate subcomponents. This resulted in a total of 16 dimensions that were reviewed and rated by the research team. For the initial analysis, researchers credited states as covering a component if there was any relevant language found in their legislation, regardless of how extensively a component was addressed. For example, in reviewing the training and prevention component, state laws that encourage districts to develop local prevention task forces would be coded the same as a more expansive state law, for example, one that mandates districts to develop and implement whole-school, evidence-based curricula.

Seventeen state laws cover 13 to 16 components and district policy subcomponents. Twelve states cover only half of all components or fewer.

Exhibit 14 illustrates that among the 46 states with bullying legislation, Maryland and New Jersey are the only states with legislative language encompassing all of the key components and school district policy subcomponents. Seventeen total states, including Maryland and New Jersey, cover between 13 and 16 components and 17 others cover between nine and 12. Eleven states with legislation cover five to eight components, and one state covers between one and four. The results suggest that states vary substantially in the overall breadth of their school bullying laws.

Exhibit 14. Coverage of key components: Number of components and policy subcomponents covered in bullying laws, by number of states (n=46)

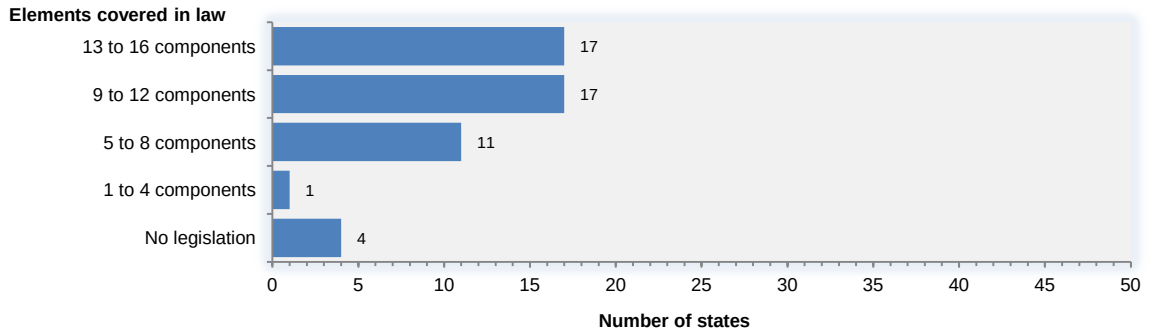


Exhibit reads: Seventeen state laws cover anywhere from 13 to 16 key components and district policy components.
Source: State bullying laws enacted through April 30, 2011.

Exhibit 15 shows the key components that are most frequently observed in state laws (i.e., components covered in 40 or more laws). These include requirements for districts to develop local bullying policies, descriptions of prohibited behavior, statements of scope, expectations for communication of policies, and consequences for prohibited conduct. More than half of state laws also require district policies to contain definitions of bullying behavior, set expectations for reporting and investigations, and include language addressing school personnel training and bullying prevention. Less than half of state bullying laws enumerate specific groups protected under the law, mandate that policies be submitted to the state for review, or require districts to document bullying incidents with written records or to compile and report incident data. In addition less than half set provisions for mental health or other supports for victims or include language in law conveying the rights of victims to pursue legal recourse for bullying.

Exhibit 15. Extent of coverage of U.S. Department of Education-identified key components in state bullying legislation, by state (n=46)

	Definitions				District policy review & development		District policy components						Additional components				
State	Purpose	Scope	Prohibited behavior	Enumerated groups	District policy	District policy review	Definitions	Reporting	Investigations	Written records	Conse-quences	Mental health	Commun-ications	Training/ prevention	Transparency/ monitoring	Legal remedies	TOTAL
Alabama	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		14
Alaska	✓	✓	✓		✓			✓			✓		✓		✓		8
Arizona	✓	✓			✓		✓	✓	✓	✓	✓	✓	✓				10
Arkansas	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			14
California		✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓		12
Colorado		✓	✓		✓	✓	✓				✓		✓	✓			8
Connecticut		✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		12
Delaware	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		13
Florida	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		15
Georgia	✓	✓	✓		✓			✓	✓		✓		✓	✓			9
Idaho	✓		✓		✓						✓		✓				5
Illinois	✓	✓	✓	✓	✓	✓					✓		✓	✓		✓	10
Indiana	✓	✓	✓		✓			✓	✓		✓			✓			8
Iowa	✓	✓	✓	✓	✓		✓	✓	✓		✓		✓	✓	✓	✓	13
Kansas	✓	✓	✓		✓									✓			5
Kentucky	✓	✓	✓		✓			✓	✓		✓		✓	✓	✓		9
Louisiana	✓	✓	✓		✓			✓	✓	✓	✓		✓	✓	✓		11
Maine	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓			12
Maryland	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
Massachusetts	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	13
Minnesota	✓				✓												2
Mississippi	✓	✓	✓		✓			✓	✓		✓		✓				8
Missouri		✓	✓		✓			✓			✓		✓	✓			7
Nebraska		✓	✓		✓						✓						4
Nevada	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓	✓	✓		12
New Hampshire	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	14
New Jersey	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	16
New Mexico	✓	✓	✓	✓	✓		✓	✓	✓		✓		✓	✓			11
New York	✓	✓	✓	✓	✓		✓	✓			✓	✓	✓	✓	✓	✓	13
North Carolina	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓		✓	13
North Dakota	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	13
Ohio	✓	✓	✓		✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	13
Oklahoma	✓	✓	✓		✓	✓			✓		✓	✓	✓	✓			10
Oregon *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	14
Pennsylvania		✓	✓		✓	✓	✓	✓			✓		✓	✓			9
Rhode Island	✓	✓	✓		✓	✓		✓					✓	✓		✓	9
South Carolina	✓	✓	✓		✓		✓	✓	✓		✓		✓	✓		✓	11
Tennessee	✓	✓	✓		✓	✓	✓	✓	✓		✓		✓	✓			11
Texas	✓	✓	✓								✓		✓	✓			6
Utah	✓	✓	✓		✓		✓						✓	✓		✓	8
Vermont	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓		13
Virginia	✓	✓	✓	✓	✓		✓				✓		✓	✓	✓	✓	11
Washington	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	15
West Virginia	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	14

See notes at end of table.

Continued on next page.

Exhibit 15. Extent of coverage of U.S. Department of Education-identified key components in state bullying legislation, by state (n=46) (Continued)

State	Definitions				District policy review & development		District policy components						Additional components				TOTAL
	Purpose	Scope	Prohibited behavior	Enumerated groups	District policy	District policy review	Definitions	Reporting	Investigations	Written records	Conse-quences	Mental health	Commun-ications	Training/ prevention	Transparency/ monitoring	Legal remedies	
Wisconsin	✓	✓			✓		✓	✓	✓		✓		✓				8
Wyoming	✓	✓	✓		✓		✓	✓	✓	✓	✓		✓	✓		✓	12
TOTAL:	**39**	**44**	**43**	**17**	**45**	**20**	**29**	**36**	**31**	**18**	**42**	**13**	**42**	**39**	**18**	**18**	
PERCENT:	**85%**	**96%**	**93%**	**37%**	**98%**	**43%**	**63%**	**78%**	**67%**	**39%**	**91%**	**28%**	**91%**	**85%**	**39%**	**39%**	

Exhibit reads: Alabama state bullying laws covered 14 of 16 key components and district policy subcomponents.

***** Oregon's earlier legislation required that school districts submit their school bullying policy to the superintendent of public instruction by Jan. 1, 2004. This subsection of *Or. Rev. Stat.* §339.362 was repealed upon districts' completion of the requirement.

Notes: Coverage of key components reflects state bullying legislation enacted through April 30, 2011. The analysis does not reflect the recent enactment of House Bill 688 in the state of Hawaii, or amendments to other states' legislation that occurred after April 30, 2011, including, but not limited to, new laws passed in California, Rhode Island, Tennessee and Texas during their states' 2011 legislative sessions.

State education agencies may establish additional requirements or expectations for school districts through departmental rules and regulations that are not reflected in coding of legislation. For example, Georgia state law does not set legal requirements for school districts to report bullying incidents to the state; however, the Georgia Department of Education's (GaDOE) data collection guidelines and procedures require that all incidents of bullying be reported by the local education agency through the GaDOE Student Record Data Collection System.

Source: State bullying laws enacted through April 30, 2011.

Expansiveness Ratings Across States

As described in the methods section of the introduction, researchers also rated each state's laws within key components and assigned a score of 0 to 2 measuring the overall expansiveness of their provisions (see Exhibit 2). Researchers summed the ratings to create a composite score across all of the components and school district policy subcomponents. The expansiveness ratings range in possible value from 0 to 32 covering 16 components and district policy subcomponents. The distribution of ratings illustrates the variance in expansiveness of laws across states. The summary of total ratings is presented in graphic format in Exhibit 16.

Exhibit 16. Distribution of expansiveness ratings for state bullying laws, by number of states (n=46)

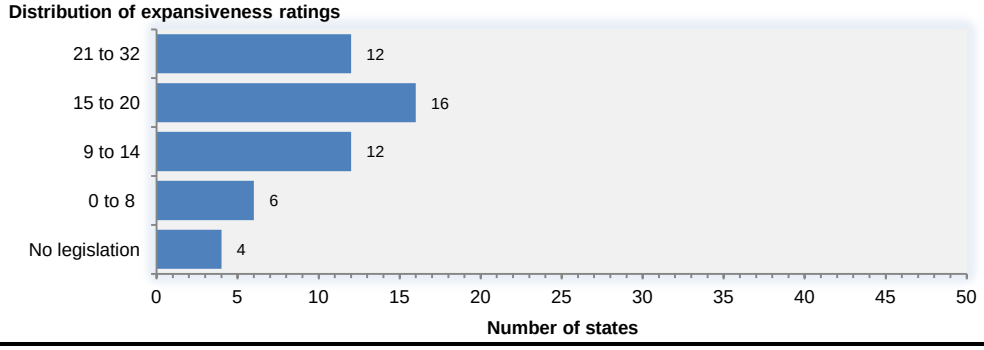


Exhibit reads: Twelve states are in the 21 to 30 expansiveness rating range.

Note: The distribution of expansiveness ratings shows the number of state laws that fell within each scoring range (i.e., 0 to 8, 9 to 14, 1 to 20, and 21 to 32) on a possible rating scale of 0 to 32 on measures of expansiveness.

Source: State bullying laws enacted through April 30, 2011.

Total ratings and ratings within key component are presented numerically by state in rank order from most to least expansive in Exhibit 17. The exhibit shows the considerable variation found across states on measures of expansiveness, with scores ranging from a low score of 2 to a high score of 30 out of a possible 32 points. This finding highlights the diversity in breadth and specificity found in legislation, pointing to differences in how laws are structured and the number of provisions they contain. By their nature, laws that shift more control over bullying policy to the local level are generally rated as less expansive than those that are more prescriptive in nature, identifying specific provisions to contain in school district policies. Bills that integrate bullying provisions into the existing structure of education statutes (i.e., school safety plans or codes of conduct), also tend to be less expansive in terms of their coverage of components than bills that introduce sets of statutes specific to bullying that address multiple dimensions of the bullying problem (e.g., prevention, training, reporting, investigation).

More expansive laws govern many different facets of the school bullying issue. For example, these laws contain clear and inclusive definitions of prohibited behavior, establish expectations for reporting, investigation and use of sanctions, contain accountability measures to ensure compliance, focus on the needs of victims, and promote prevention and intervention as strategies to reduce bullying behavior.

Exhibit 17. Extent of expansiveness for state bullying legislation for U.S. Department of Education-identified key components, by state (n=46)

	Definitions				District policy review & development		District policy components						Additional elements				
State	Purpose	Scope	Prohibited behavior	Enumerated groups	District policy	District policy review	Definitions	Reporting	Investigations	Written records	Conse-quences	Mental health	Commun-ications	Training/ prevention	Transparency/ monitoring	Legal remedies	TOTAL
Alabama	1	1	2	1	2	0	2	1	2	1	1	1	1	2	2	0	**20**
Alaska	1	1	1	0	2	0	0	2	0	0	1	0	0	0	2	0	**10**
Arizona [a]	1	1	1	0	1	0	1	2	1	2	1	1	1	0	0	0	**13**
Arkansas	2	2	2	2	1	2	2	2	1	1	1	1	1	1	0	0	**21**
California	0	2	2	1	1	2	0	1	1	1	2	0	1	1	2	0	**17**
Colorado	0	1	1	0	2	1	2	0	0	0	2	0	1	1	0	0	**11**
Connecticut	0	2	1	0	2	1	0	2	2	2	2	2	2	2	2	0	**22**
Delaware	1	2	2	0	2	2	2	2	1	0	2	0	2	2	2	0	**22**
Florida	1	1	2	1	2	2	2	1	2	1	2	2	2	1	2	0	**24**
Georgia [b]	1	1	2	0	2	0	0	2	1	0	2	0	1	1	0	0	**13**
Idaho	1	0	2	0	1	0	0	0	0	0	1	0	1	0	0	0	**6**
Illinois	2	1	2	2	1	2	0	0	0	0	2	0	1	1	0	2	**16**
Indiana	1	1	1	0	1	0	0	1	1	0	1	0	0	1	0	0	**8**
Iowa	2	1	2	1	2	0	2	1	1	0	1	0	2	1	1	2	**19**
Kansas	1	1	2	0	1	0	0	0	0	0	0	0	0	1	0	0	**6**
Kentucky	0	1	2	0	2	0	0	1	2	0	2	0	2	1	2	0	**15**
Louisiana	1	2	2	0	2	0	0	1	1	2	1	0	1	2	2	0	**17**
Maine	2	1	2	2	2	0	2	1	1	0	2	2	1	2	0	0	**20**
Maryland	1	2	2	2	2	1	2	1	1	2	2	2	2	2	2	2	**28**
Massachusetts	1	2	2	0	2	1	1	2	2	0	2	2	2	2	0	2	**23**
Minnesota [c]	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	**3**
Mississippi	1	1	2	0	2	0	0	2	1	0	1	0	1	0	0	0	**11**

See notes at end of table.

Continued on next page.

Exhibit 17. Extent of expansiveness for state bullying legislation for U.S. Department of Education-identified key components, by state (n=46) (Continued)

	Definitions				District policy review & development		District policy components						Additional elements				
State	Purpose	Scope	Prohibited behavior	Enumerated groups	District policy	District policy review	Definitions	Reporting	Investigations	Written records	Conse-quences	Mental health	Commun-ications	Training/ prevention	Transparency/ monitoring	Legal remedies	TOTAL
Missouri	0	1	2	0	2	0	0	2	0	0	1	0	1	1	0	0	**10**
Nebraska	0	1	2	0	2	0	0	0	0	0	1	0	0	0	0	0	**6**
Nevada	2	1	2	0	1	1	2	1	0	2	1	0	2	2	2	0	**19**
New Hampshire	2	2	2	2	2	0	2	1	2	2	2	0	2	2	2	2	**27**
New Jersey	2	2	2	1	2	1	2	2	2	2	2	2	2	2	2	2	**30**
New Mexico	1	1	2	2	2	0	1	2	1	0	1	0	2	1	0	0	**16**
New York	2	1	1	2	1	0	2	1	0	0	2	2	1	1	2	2	**20**
North Carolina	1	1	2	2	2	1	2	2	1	0	1	0	1	2	0	2	**20**
North Dakota	1	1	2	0	2	1	2	1	2	1	1	0	2	2	0	2	**20**
Ohio	1	1	1	0	2	0	2	2	2	1	1	0	1	1	1	2	**18**
Oklahoma	2	2	2	0	1	2	0	0	1	0	1	2	0	1	0	0	**14**
Oregon [d]	2	1	2	2	1	2	2	1	2	1	1	0	1	1	0	2	**21**
Pennsylvania	0	2	2	0	2	1	1	1	0	0	1	0	2	1	0	0	**13**
Rhode Island	1	1	2	0	2	1	0	1	0	0	0	0	2	2	0	2	**14**
South Carolina	1	1	2	0	2	0	2	2	2	0	1	0	2	2	0	2	**19**
Tennessee	2	1	1	0	2	1	2	1	2	0	1	0	0	1	0	0	**14**
Texas	1	1	1	0	0	0	0	0	0	0	2	0	0	1	0	0	**5**
Utah	1	2	2	0	2	0	2	0	0	0	0	0	1	1	0	2	**13**
Vermont	2	1	1	1	2	0	2	2	2	2	2	0	2	1	2	0	**22**
Virginia	2	1	2	2	1	0	1	0	0	0	2	0	1	2	2	2	**18**
Washington	2	2	2	2	2	2	2	2	2	2	2	2	2	2	0	2	**30**
West Virginia	2	1	2	0	2	1	2	2	2	1	1	0	1	2	2	2	**23**
Wisconsin	1	1	0	0	2	0	1	1	1	0	1	0	1	0	0	0	**9**
Wyoming	1	1	2	0	2	0	2	1	2	1	1	0	2	2	0	2	**19**
Average Rating:	**1.2**	**1.2**	**1.7**	**0.6**	**1.7**	**0.6**	**1.1**	**1.2**	**1.0**	**0.6**	**1.3**	**0.5**	**1.2**	**1.2**	**0.7**	**0.8**	**16.5**

Exhibit reads: Alabama's legislation was rated 20 out of a possible 32 points measuring the expansiveness of their bullying laws.

[a] State bullying statutes in Arizona do not include a definition of bullying behavior, but were rated 1 for prohibited behavior based on legal prohibitions against cyberbullying or electronic communications.

[b] State education agencies may establish additional requirements or expectations for school districts through departmental rules and regulations that are not reflected in coding of legislation. For example, Georgia state law does not set legal requirements for school districts to report bullying incidents to the state; however, the Georgia Department of Education's (GaDOE) data collection guidelines and procedures require that all incidents of bullying be reported by the local education agency through the GaDOE Student Record Data Collection System.

[c] State bullying statutes in Minnesota do not include a definition of bullying behavior, but were rated 1 for prohibited behavior based on legal prohibitions against cyberbullying or electronic communications.

[d] Oregon's earlier legislation required that school districts submit their school bullying policy to the superintendent of public instruction by Jan. 1, 2004. This subsection of Or. Rev. Stat. §339.362 was repealed upon districts' completion of the requirement.

Notes: Expansiveness ratings cover state bullying legislation enacted through April 30, 2011. Ratings do not reflect the recent enactment of House Bill 688 in the state of Hawaii, or amendments to other states' legislation that occurred after April 30, 2011, including, but not limited to, new laws passed in California, Rhode Island, Tennessee, and Texas during their states' 2011 legislative sessions.

Source: State bullying laws enacted through April 30, 2011.

Summary

The discussion highlights the rapid increase in state legislation concerning bullying, and the variety of ways in which legislation is revised, expanded, and occasionally refocused. In addition, this discussion identifies instances in which state legislation relevant to bullying may be fragmented across separate bills, and may in some instances be found in either education or criminal codes, or both. The implication for a comprehensive review of this legislation is that it cannot be limited to a single piece of legislation, or the most recent piece of legislation. Accordingly, the review in this report, to the extent possible, considers the full scope of relevant legislation to define the current status of bullying law in each state. The section also identifies examples of important themes and issues that distinguish between states' approaches to bullying legislation and that have significant implications for implementation of the laws.

The review of legislation provides information on topics that have clear, sometimes controversial, implications for the refinement and strengthening of a school's capacity to reduce bullying behaviors in schools. Many of the issues that have oriented this review, or that have emerged as it has proceeded, involve the degree to which legislation supports effective implementation. That is, the laws cannot achieve their purpose without supporting effective policies and actions at the school district and school level. Important issues on which the review provides information and that will guide the case approach include:

- *Definitions*
  Definition of terms is essential to the implementation of bullying policy. One of the most significant challenges to legislation has been in defining what types of behavior, and what conditions, constitute school bullying (e.g., what actions, what frequency, intent, location, and what degree of harm to victims), which can take place under often varied and difficult-to-define circumstances. Since there is no standard definition of bullying that is universally accepted in the research field or at the federal level, the states must establish their own definitions through legislative debate and administrative action. Legal reviews of court decisions have suggested that, in certain cases, language used in legislation to define bullying has been either too broad or too specific to provide adequate protection to victims (Sacks & Salem, 2009). States also have struggled to strike an appropriate balance between state and local control in establishing and enforcing district and school-based bullying policies.

- *Jurisdiction Over Off-Campus Conduct*
  A second important issue concerns the jurisdiction where school policies will apply. State, district, and school policies most often limit application of policies to the "school," but this may be defined differently across school settings. In some instances, policies have been interpreted as applying to students whether at school or not, largely to address challenges of cyberbullying that are often committed "off–campus" using personal technology, but that can seriously impact the on-campus environment.

- *Implementation and Mandates*
  Research focusing on the experiences of school districts in implementing bullying legislation has shown that legislative requirements for bullying prevention programs, such as whole-school bullying education, often represent unfunded mandates, leaving schools to reallocate scarce resources to fund implementation (Associated Press, 2009). As a consequence, schools often struggle to comply with state law. Similarly, laws that have failed to specify dates and time lines for schools to fulfill state policy requirements have resulted in little or no accountability at the local level. This issue is a specific example of a larger theme that is very evident in the

differences in state legislation that are highlighted in this report. States differ significantly in the degree to which state policy sets requirements for school district or school policy and implementation, or leave major decisions about the nature of policy to school district's and schools.

- *Balance of State and Local Control*
  Most state laws create requirements for school districts to develop and implement local bullying policies and delineate specific policy components. These specific requirements can range from broad, and somewhat vaguely defined, to extremely prescriptive in nature. Other states require state departments of education and other state education agencies to create model policies and guidelines to assist school districts with local development and implementation of policy.

- *Emerging Issues and the Need for Legislative Revision*
  The majority of states show active or pending bullying legislation in the current 2011 legislative session. These pending bills, which aim to amend existing laws, reflect emerging issues related to school bullying, including the need to more explicitly recognize and respond to cyberbullying and the need to communicate protections for youths who are at greatest risk of being targeted by aggressors.

III. Analysis of State Model Bullying Policies

Twenty-seven state laws include requirements to develop model policies addressing harassment, intimidation, or bullying and 41 states have developed bullying policy models or state guidelines that are available for dissemination to local school districts. These documents provide specific guidance to school districts on how to draft district bullying policies and how to implement provisions outlined in the law.

The second study question focuses on the nature and content of model policies and guidance documents that have been developed by state boards or education agencies pursuant to legislation. These policies guide and support district efforts to develop and implement effective local bullying policies in compliance with the law. This section describes requirements in state legislation regarding the development of model policies and evaluates state progress toward complying with legal mandates. The section also discusses the differences and similarities in the documents that have been developed with regard to their structure and format, their coverage of key components, and their overall expansiveness. The state model policy documents are listed by title in Appendix E.

Key Findings

- **Twenty-seven state laws recommend or require state education agencies to create and disseminate state model policies or guidance to assist school districts with the development of bullying policies. Twenty-six states with explicit requirements have produced state models or guidance documents.**
- **Forty-one states have created model bullying policies, 12 of which were not required or encouraged by law to do so. Three other states, including Hawaii, Montana, and Michigan, developed model policies in the absence of state bullying legislation.**
- **The majority of state model policies were developed after 2006, indicating how recently most state laws were passed.**
- **Bullying infraction consequences, reporting procedures, investigations, and guidelines for communicating policies (in 40 states' guidance) were the most frequently covered components. Legal remedies for victims were addressed least frequently (in nine states' guidance).**
- **Colorado, Hawaii, Massachusetts, New Jersey, and Rhode Island developed state model policies that best covered the U.S. Department of Education-identified key components of bullying laws and policies.**

States With Model Policies and Requirements for Development in Legislation

Previous studies of state bullying legislation identified 11 states as of July 2008 that required their state education agencies to develop model policies or technical support to assist with the creation of local bullying policies (Alley & Limber, 2009). Since that time, 16 additional states have enacted new legislation that either encourages or requires states to provide model policies for their school districts. Twenty-seven state laws now include specific provisions addressing the creation of model

policies to address harassment, intimidation, or bullying (see Exhibit 18). These documents provide specific guidance to school districts on how to draft local district bullying policies and how to implement provisions outlined in the law.

Exhibit 18. State law recommendations and requirements for the adoption of state model bullying policies or other guidance documents, by state (n=50)

State	State model policies/ guidance documents			State	State model policies/ guidance documents		
	State model policy required or encouraged?	Policy developed?	Date specified?		State model policy required or encouraged?	Policy developed?	Date specified?
Alabama	Y	Y	N	Montana	No Law	Y	--
Alaska	Y	Y	1/1/2007	Nebraska	Not Mandated	Y	--
Arizona	N	N	--	Nevada	Y	Y	N
Arkansas	Not Mandated	Y	N	New Hampshire	Not Mandated	Y	--
California	Y	Y	N	New Jersey	Y	Y	4/5/2011
Colorado	Not Mandated	Y	--	New Mexico	Not Mandated	Y	--
Connecticut	Y	Y	2/1/2010	New York	Y	Y	--
Delaware	Y	Y	N	North Carolina	Not Mandated	Y	--
Florida	Y	Y	10/1/2008	North Dakota	N	N	--
Georgia	Y	Y	1/1/2011	Ohio	Y	Y	9/30/2007
Hawaii	No Law	Y	--	Oklahoma	Not Mandated	Y	--
Idaho	Not Mandated	Y	--	Oregon	Not Mandated	Y	--
Illinois	Y	N	3/1/2011	Pennsylvania	Not Mandated	Y	--
Indiana	N	N	--	Rhode Island	Y	Y	12/1/2003
Iowa	Not Mandated	Y	--	South Carolina	Y	Y	9/1/2006
Kansas	N	N	--	South Dakota	No Law	N	--
Kentucky	Y	Y	8/31/2008	Tennessee	N	N	--
Louisiana	Y	Y	--	Texas	N	N	--
Maine	Y	Y	2/15/2006	Utah	Y	Y	9/1/2011
Maryland	Y	Y	3/31/2009	Vermont	Y	Y	1/1/2005
Massachusetts	Y	Y	N	Virginia	Y	Y	N
Michigan	No Law	Y	--	Washington	Y	Y	8/1/2010
Minnesota	N	N	--	West Virginia	Y	Y	9/1/2011
Mississippi	Y	Y	2002–03	Wisconsin	Y	Y	3/1/2010
Missouri	Not Mandated	Y	--	Wyoming	Y	Y	9/1/2009

Exhibit reads: Alabama state law requires the state develop a model policy, which it did, but does not specify a completion date.

Source: Review of state bullying laws enacted through April 30, 2011.

State laws assign responsibility for developing model policies to different state entities, including regional or state departments of education, state school boards associations, or superintendents of public instruction. Most often laws require that the state departments of education assumes responsibility for developing and disseminating the model bullying policy. Nineteen of the 27 laws that set legal obligations for state policy development also identify a specific deadline for policies to be completed.

Of the 27 states with legislative requirements, Illinois is the only one that has not yet created its model policy, due to the recent enactment of the law. The policy is being crafted by a state-appointed bullying task force and is currently under review. The state of New York also recently passed a new law that will not take effect until July of 2012. New York's Commissioner of Education has developed a policy addressing cyberbullying in schools; though it's more general bullying policy is still under development. The state of Louisiana passed legislation requiring that the department of education develop a bullying behavior incident checklist, and this document is included in the current analysis.

Forty-one states now have bullying policy models or state guidelines that are available for dissemination to local school districts. Twenty-six of those are in states with specific legislative recommendations or requirements, whereas 12 others established model policies without any legal requirement. Three states without bullying legislation—Hawaii, Michigan, and Montana—have adopted state model policies and guidelines. For these states model policies may assume greater importance by closing gaps in bullying prevention and enforcement for schools lacking clear direction under the law.

Nine states nationally have not developed model bullying policies, or other guidance documents, although some provide guidance to districts in other forms, such as links to online bullying resources or links to model policies of other states. For example, the state of Tennessee does not have a state model policy and is not required to develop one; however, the Tennessee Department of Education distributes copies of the *Tennessee Code* to inform districts about their legal responsibilities and expectations under the law. South Dakota is the only state with no bullying law and no source of state guidance for schools to respond to bullying on their campuses.

Structure of Model Policy Requirements

As discussed in Chapter II of the report, state laws used different approaches to communicate expectations to states and school districts about their responsibilities for addressing bullying. Different approaches to model policy development reflect different perspectives on where policy discretion should be permitted, and the degree to which mandatory and specific policy requirements are desirable. Four different models involving provisions for state model policy development were observed in state laws. These are discussed below.

- *Model Policies Mandated With Specific Requirements—Adoption by School Districts Required.* The first model is the most prescriptive and highly structured with regard to state model policy development. State laws that adhere to this model mandate that states not only develop models for local school districts to follow, but also identify specific provisions that must be present in policies. School districts are obligated to adopt local policies that conform to the state model. Districts have the authority to enhance provisions, but not to exclude them.
- *Model Policies Mandated With Specific Requirements—Adoption by School Districts Optional.* The second model requires state departments or boards of education to develop model policies and delineates specific components that must be present. School districts may choose to adopt any or all provisions contained in state models but are not required to do so. Wisconsin's school bullying law is an example. The law requires the department of education to create a model policy that covers ten specific components, including definitions and prohibitions against bullying, reporting and investigation procedures, and disciplinary alternatives for students who engaged in bullying or retaliatory behavior. The law states that districts "may adopt the model policy" created by the department when developing their school district policies (*Wis. Stat.* §118.46). This model offers guidance to school districts, while allowing for local control over policy development.
- *Model Policies Mandated With No Specific Requirements—Adoption by School Districts Optional.* The third model includes laws that mandate the development of state model policies to support school district implementation, but that do not delineate any specific requirements and do not require that policies be adopted. This was the most common model found in state legislation.

- *Discretionary Model Policies With No Specific Requirements—Adoption by School Districts Optional.* The fourth model encourages states to develop model policies, but does not explicitly require it. The New Hampshire *Pupil Safety and Violence Prevention Act* is an example, which states that the "department of education may develop a model policy in accordance with the requirements set forth in this chapter, which may be used by schools, school districts, and chartered public schools as a basis for adopting a local policy" (*N.H. Rev. Stat. Ann.* §193-F). This was the least prescriptive of the four models regarding state policy development. However, New Hampshire's legislation is highly prescriptive regarding the content of school district policy development, outlining 14 detailed provisions that must be present in district policy documents.

These four models, which characterize the various mechanisms for formulating bullying policy at the state level, illuminate the diversity in attitudes about state and local control in establishing school harassment, intimidation, and bullying policies and may contribute to greater diversity in bullying policy implementation at the local district level.

Types of Model Policies

The search for state model policies and guidance documents uncovered substantial diversity in how documents were structured and framed. Bullying guidance in many states was embedded within school safety manuals, school discipline or code of conduct manuals, and violence prevention programs and did not specifically mention the words "bullying" or "harassment" in the title. Other states created policy documents that were extremely detailed and lengthy, exceeding 100 pages in some cases, such as Colorado. Other model policies were extremely brief one or two page documents (e.g., North Carolina).

Documents shared the purpose of providing guidance and examples to individual school districts for creating local bullying policies and generally fell into the two categories of model policies or guidance documents. Model or sample policies were standardized versions of draft policies that conform to state legislative requirements and could be adopted wholesale by districts. Eleven states created these standardized model policies. Utah's XYZ School District Discipline Model Policy provides an example of a complete model that could be directly integrated into district policy. Guidance documents were more oriented toward offering recommendations or guidelines for districts on how to develop their own local policies and how to implement provisions in the law. As an example, Arkansas' model policy, titled Recommendations for Writing Anti-Bullying Policies provides very general guidance to schools on how to draft local policies, but does not address implementation of specific bullying provisions.

In addition to official state model policies and guidance documents, several states provided supplemental resources and materials on departmental websites to further assist school districts in implementing school bullying policies. The Massachusetts Department of Elementary and Secondary Education, for example, provides a range of resources on its website to help local school districts implement bullying policies. These tools include a checklist for tracking components of policies at the local level and resources addressing policy considerations for special needs students. For example, along with their model policies, such states as Massachusetts, Idaho, New Mexico, and Oklahoma, distributed sample complaint forms for individuals who are witnesses to or victims of school bullying.

Coverage of Key Components in State Model Policies

This next section describes how well state model policies cover key components identified in the U.S. Department of Education framework. Both the framework and the analysis of legislation covered 16 different components or dimensions of state laws. These included components pertaining to:

- Definitions (*Purpose Statement, Scope, Prohibited Behavior, and Enumeration of Groups*);
- Review of School District policies (*District Policy Review*);
- District policy components (*Reporting, Investigations and Response, Written Records, Consequences, and Mental Health Referrals*); and,
- Other district provisions (*Communications, Training and Prevention, Transparency and Monitoring, Right to Legal Remedies*).

The methods used to review and code state model policies were similar to those used to code state statutes. The procedure involved applying a systematic coding framework developed for the legislative review to describe the content and expansiveness of model policy documents.

Exhibit 19 reports the number of key components that were identified in each state's model policy and the number and percentage of model policies that covered each component. For the review of state model policies two components from the larger framework—the district policy development and review requirements—were excluded, as these components were primarily relevant to requirements established in legislation. The district policy component measuring definitions was replaced with the four key components that cover definitions of bullying behavior (i.e., purpose statement, scope, prohibitions, and enumeration of groups). Therefore, the maximum number of components that can be covered by a state model policy was 13.

Exhibit 19. Extent of coverage of U.S. Department of Education-identified key components in state model bullying policies and guidance documents, by state (n=41)

	Definitions				District policy components					Additional components				
State	Purpose	Scope	Prohibited behavior	Enumerated groups	Reporting	Investigations	Written records	Conse-quences	Mental health	Communi-cations	Training/ prevention	Transparency/ monitoring	Legal remedies	TOTAL
Alabama	✓	✓	✓	✓	✓	✓	✓	✓		✓				9
Alaska	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		12
Arkansas	✓		✓		✓	✓		✓			✓			6
California	✓	✓	✓	✓	✓	✓		✓		✓	✓			9
Colorado	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Connecticut	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		12
Delaware	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		11
Florida	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		12
Georgia	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			10
Hawaii	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Idaho	✓		✓	✓	✓	✓	✓	✓		✓	✓			9
Iowa	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		11
Kentucky	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		11
Louisiana		✓	✓	✓	✓	✓	✓	✓		✓	✓			8
Maine	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		11
Maryland	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		12
Massachusetts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
Michigan	✓	✓	✓	✓	✓	✓		✓		✓	✓			9
Mississippi	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		11
Missouri	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		11
Montana	✓	✓	✓	✓	✓	✓		✓		✓	✓			9
Nebraska					✓	✓	✓	✓		✓	✓	✓		7
Nevada	✓	✓	✓	✓	✓			✓		✓	✓	✓		9
New Hampshire	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		11
New Jersey	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
New Mexico	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		11
New York		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		11
North Carolina						✓	✓			✓	✓	✓		5
Ohio	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	12
Oklahoma	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			11
Oregon	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓			10
Pennsylvania	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓		10
Rhode Island	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	13
South Carolina	✓	✓	✓		✓	✓	✓	✓		✓	✓			9
Utah	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	12
Vermont	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		11
Virginia	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓		10
Washington	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	12
West Virginia	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	11
Wisconsin	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		12
Wyoming	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			11
TOTAL:	**37**	**36**	**39**	**29**	**40**	**40**	**35**	**40**	**21**	**40**	**39**	**28**	**9**	
PERCENT:	**90%**	**88%**	**95%**	**71%**	**98%**	**98%**	**83%**	**98%**	**51%**	**98%**	**95%**	**68%**	**22%**	

Exhibit reads: The state model policy of Alabama covered nine out of a possible 13 components.

Source: Review of state model policies and guidance documents available as of April 30, 2011.

Exhibit 20 shows the distribution of states by the number of key components covered in their model policies. More than half of all policy documents covered between nine and 11 components of the total 13 dimensions rated. Thirteen of the 41 policy documents were more extensive, covering

between 12 and13 key components and district policy components, and the remaining four model policies were less expansive, covering between one and eight dimensions reviewed (see Exhibit 20).

The majority of key components and district policy subcomponents were well covered in policy documents, although there were exceptions. Mental health referrals and legal remedies for victims represented areas that were covered less broadly than other components. It also was notable that more than half of state model policies covered enumeration of groups, despite the fact that protected groups were enumerated in only 17 of 46 state laws.

Exhibit 20. Coverage of U.S. Department of Education-identified key components: Number of components and policy subcomponents covered in state model bullying policies and guidance documents, by number of states (n=41)

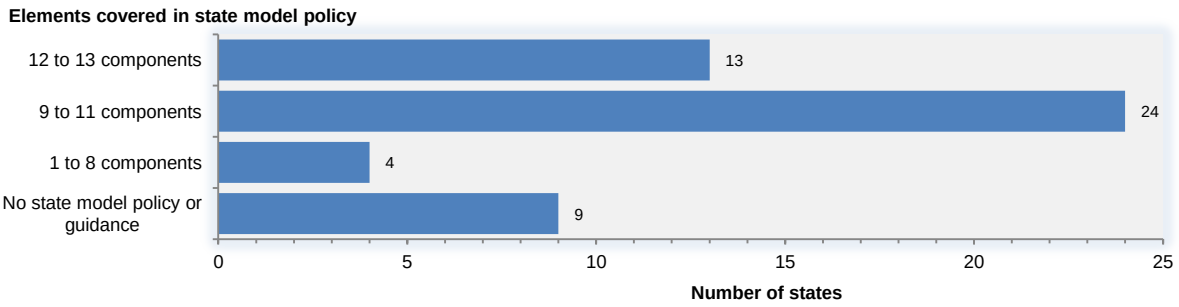


Exhibit reads: Model policies and guidance documents for 13 states cover 12 or 13 components.

Source: Review of state model policies and guidance documents available as of April 30, 2011.

Expansiveness Ratings Across State Model Policies

Each state model policy also was rated within key components and assigned a score of 0 to 2 measuring the overall expansiveness of its provisions (see Exhibit 2 in Chapter I). Ratings within key components were summed to create a composite score across all of the components and school district components. The expansiveness ratings ranged in possible value from 0 to 26 covering eight key components and five components of district policies covering a total of 13 rated dimensions.

The distribution of ratings illustrates the variance in expansiveness of state model policies across states. The total ratings and ratings within key components are presented numerically in rank order from most to least expansive model policies in Exhibit 21. States without bullying legislation produced model policies that also ranged in their expansiveness. That is, the state of Hawaii received the highest rating of expansiveness among states with model policies, despite the absence of any state bullying legislation, while Michigan's state model policy received an average rating, and Montana's policy fell below average. South Dakota is now the only state without bullying legislation that also lacks a state model policy.

The components of state model policies that were more or less broadly covered in policies, based on the previous analysis, were similar to components that were more or less expansive. Specifically, more expansive components of policies were definitions of prohibited behavior, consequences, communications, and reporting and investigations. Less expansive components included assurances of legal redress for victims and mental health referrals.

Exhibit 21. Extent of expansiveness of state model bullying policies and guidance documents, by state (n=41)

State	Definitions				District policy components					Additional components				TOTAL
	Purpose	Scope	Prohibited behavior	Enumerated groups	Reporting	Investigations	Written records	Conse-quences	Mental health	Communi-cations	Training/ prevention	Transparency/ monitoring	Legal remedies	
Alabama	1	1	2	1	1	1	1	1	0	1	0	0	0	**10**
Alaska	2	1	2	2	2	1	2	2	1	1	1	2	0	**19**
Arkansas	2	0	1	0	1	1	0	1	0	0	1	0	0	**7**
California	2	1	1	2	2	2	0	1	0	2	2	0	0	**15**
Colorado	1	1	1	2	2	1	1	1	1	2	2	2	2	**19**
Connecticut	2	1	1	1	1	2	2	2	2	2	2	1	0	**19**
Delaware	1	1	2	0	1	1	2	2	2	2	2	2	0	**18**
Florida	1	1	2	2	2	2	2	2	2	2	2	2	0	**22**
Georgia	2	2	2	2	1	2	1	2	0	1	1	0	0	**16**
Hawaii	2	1	2	2	2	2	2	2	2	2	2	2	2	**25**
Idaho	2	0	1	1	2	2	2	1	0	1	2	0	0	**14**
Iowa	1	2	2	2	1	2	2	1	0	1	1	2	0	**17**
Kentucky	1	1	1	1	2	1	2	1	0	1	1	2	0	**14**
Louisiana	0	1	2	2	2	1	2	2	0	1	0	0	0	**13**
Maine	2	1	2	2	1	1	1	1	0	2	1	1	0	**15**
Maryland	2	1	2	2	1	2	2	2	2	2	2	2	0	**22**
Massachusetts	1	2	2	2	1	2	2	2	2	2	2	1	2	**23**
Michigan	2	1	2	2	2	1	0	2	0	2	2	0	0	**16**
Mississippi	1	1	1	0	2	2	2	2	2	1	2	2	0	**18**
Missouri	1	0	2	2	2	2	2	1	2	2	1	1	0	**18**
Montana	2	1	1	2	1	2	0	1	0	1	1	0	0	**12**
Nebraska	0	0	0	0	1	1	1	2	0	1	1	2	0	**9**
Nevada	1	1	2	2	2	0	0	1	0	2	2	2	0	**15**
New Hampshire	1	2	2	0	1	2	2	2	2	2	2	1	0	**19**
New Jersey	1	1	2	1	2	2	2	2	2	2	2	1	2	**22**
New Mexico	1	1	2	2	2	2	2	1	0	2	2	1	0	**18**
New York	0	2	2	2	2	2	2	2	1	2	2	1	0	**20**
North Carolina	0	0	0	0	0	1	1	0	0	1	1	2	0	**6**
Ohio	1	1	2	0	2	2	2	2	2	1	2	1	2	**20**
Oklahoma	1	1	1	2	2	2	2	2	1	2	1	0	0	**17**
Oregon	1	1	2	2	1	1	1	1	0	1	1	0	0	**12**
Pennsylvania	1	1	2	0	1	1	1	2	0	2	1	2	0	**14**
Rhode Island	1	2	2	2	2	2	2	1	2	2	2	2	2	**24**
South Carolina	2	1	2	0	1	1	1	2	0	2	1	0	0	**13**
Utah	1	1	2	0	1	2	1	2	2	2	2	1	2	**19**
Vermont	1	1	1	0	2	1	1	2	2	1	1	2	0	**15**
Virginia	2	2	2	2	2	1	0	1	0	2	2	1	0	**17**
Washington	2	2	2	2	2	2	2	2	2	2	2	0	2	**24**
West Virginia	1	1	1	0	2	2	2	2	0	2	2	2	2	**19**
Wisconsin	2	1	2	2	2	2	2	1	2	1	1	1	0	**19**
Wyoming	1	1	2	2	2	2	2	2	2	1	1	0	0	**18**
Average	**1.3**	**1.1**	**1.6**	**1.3**	**1.6**	**1.6**	**1.4**	**1.6**	**0.9**	**1.6**	**1.5**	**1.1**	**0.4**	

Exhibit reads: The state of Alabama received a rating of 10 out of a possible 26 points measuring expansiveness.

Source: State model policies and guidance documents available as of April 30, 2011.

Exhibit 22 demonstrates the amount of variation in the content of legislation enacted across states. Though more than one-third of all model policies ranged from 17 to 20 points on measures of expansiveness, the remaining states were fairly evenly distributed, with six policies scoring under 13, 11 policies scoring between 13 to 16, and seven policies with high scores ranging from 21 to 25

points. This suggests that school districts are receiving relatively diverse guidance from their state departments of education on how to formulate district bullying policies.

Exhibit 22. Distribution of expansiveness ratings for state model policies and guidance documents, by number of states (n=41)

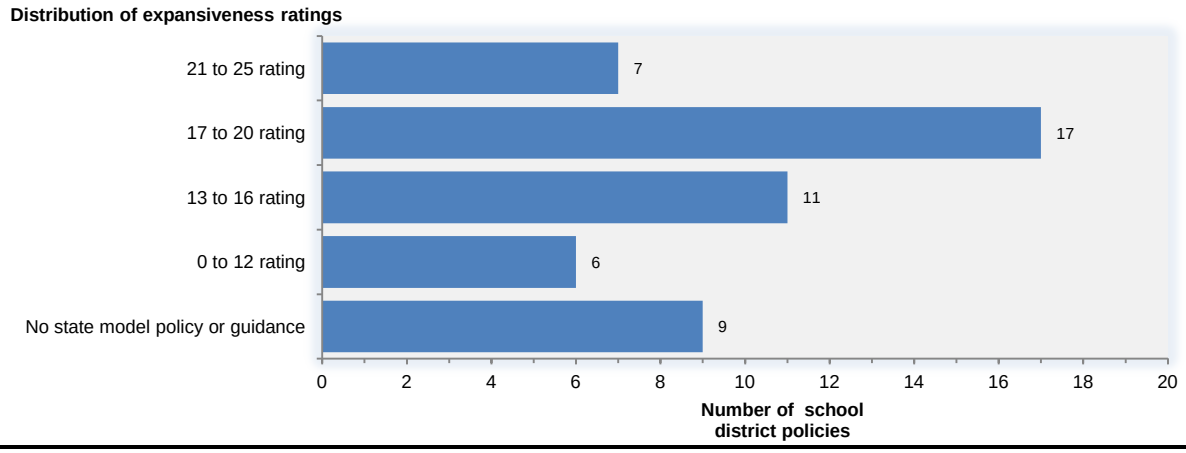


Exhibit reads: Model policies and guidance documents for seven states received an expansiveness rating between 21 and 25 of a possible 26 points.

Note: The distribution of expansiveness ratings shows the number of state model policies that fell within each scoring range (i.e., 0 to 12, 13 to 16, 17 to 20, and 21 to 25) on a possible rating scale of 0 to 26 on measures of expansiveness.

Source: State model policies and guidance documents available as of April 30, 2011.

Exhibit 23 demonstrates the breadth of state model policies in coverage of key components relative to state legislation. The greatest differences in coverage between the model policies and laws are found in the following areas:

- *Enumeration of protected groups*. Enumeration of groups is addressed in more than two-thirds (71 percent) of state model policies, whereas only a little over one-third of laws (37 percent) contain similar language on this component. This may reflect the fact that the inclusion of enumerated groups has been a focus of controversy in legislative and political debate in several states.
- *Investigations and use of written records*. School district policy requirements concerning the investigation of bullying incidents and the use of written records to document reports and investigation procedures are more frequently addressed in state policy than in legislation. This is consistent with the delegation of administrative detail to state agencies and local school districts.
- *Mental health referrals*. Provisions to address the mental health needs of students who bully and students who are targeted by bullying behavior are present in approximately half of all model policies (51 percent)compared to only one-quarter (28 percent) of state laws.
- *Transparency and monitoring*. State guidelines for school districts to report and compile bullying incidents are outlined in two-thirds (68 percent) of all state model policies, compared to approximately two-fifths (39 percent) of legislative statutes.

State model policies are less likely than state legislation to address two key components:

1. *Victim rights to pursue legal remedies* are not covered extensively in either legislation or model policies, but are more likely to appear in state laws (39 percent) than in state model policies (22 percent). This component conveys legal assurances to victims that they may bring claims against an individual or school district under other federal or state laws.
2. *Scope*. State model policies are also somewhat less likely to contain language regarding scope or jurisdiction of the law, although 88 percent of state model policies do address school jurisdiction in policy documents.

Exhibit 23. Comparison of coverage of U.S. Department of Education-identified key components between state legislation and state model bullying policies, by key component (n=46)

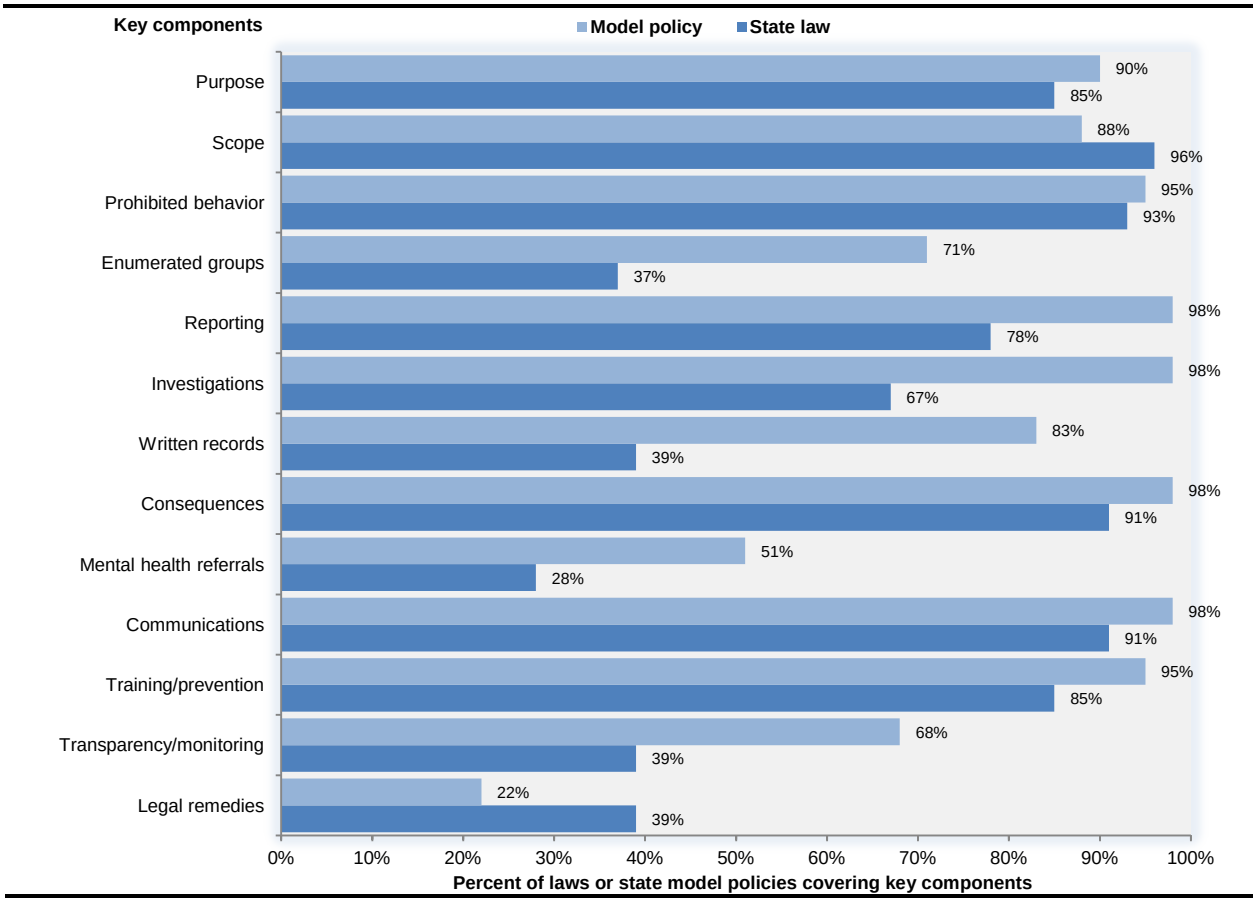


Exhibit reads: Purpose statements were covered in 90 percent of state model policies compared to 85 percent of state laws.
Source: State model policies and guidance documents available as of April 30, 2011.

States with more expansive coverage of key components in their laws also tend to produce more expansive state policies. Specifically, half of the 10 top rated laws also are rated in the top 10 on similar measures of their model policies. On the other hand, states with less expansive legislation also often produce more comprehensive state policy documents. Examples include Colorado, Wisconsin, and Missouri. Clearly, states can expand upon legislation through the development of more extensive policies particularly in states that mandate the adoption of policies at the school district level that conform to the state model. The converse is also true. Alabama, Louisiana, and

North and South Carolina each have more expansive state legislation, but are among the bottom 10 with respect to the expansiveness of their state model policy documents.

Summary

The evaluation of model bullying policies formulated by state departments of education suggests that state agencies are recognizing the importance of providing local school districts with guidance on how to develop bullying policies, and often borrow from each other in crafting model bullying policies for their states. Although only 27 state laws legally require departments to provide guidance documents, 41 states have developed them, with the majority drafted in the most recent three or four-year period. For states without bullying legislation, these state models replace legislative requirements as the leading source of guidance on policy development. The review of coverage and expansiveness of model policies also shows how policies expand upon minimum requirements established under law, particularly around prescribed components of school districts' policies, providing resources to districts to support local implementation.

IV. Analysis of School District Bullying Policies

The third component of the legislative and policy analysis seeks to evaluate the scope and content of a selection of bullying policies created by 20 school districts. The purpose of this exploratory analysis is to understand how local school district policies within a small sample of school districts address each of the key components and how the scope and content of district policies compare to their respective laws in each state. The analysis explores the assumption that state legislation can provide guidance and support for district and school policies addressing bullying behaviors and can help establish clear and consistent expectations and consequences for prohibited behavior (Lerman, 2010).

Key Findings

- **Key components common to nearly all 20 school district policies include statements prohibiting bullying behavior, statements of scope, definitions of prohibited behavior, and discussions of sanctions for bullying behavior. This pattern conforms to traditional approaches to managing bullying behavior that emphasize reporting and disciplinary actions in response to individual conduct.**
- **The district policy component least frequently observed pertains to procedures for addressing mental health concerns of students who are bullied.**
- **District policies not only contain definitions of bullying and core district policy components, but also other key components, including procedures for publicizing policies, training and prevention for students and school personnel, and transparency and monitoring.**
- **District policies are generally more expansive than their authorizing legislation.**
- **Districts located in states with more expansive legislation have produce the most expansive school district policies, although several school districts with less expansive laws also have substantially expanded the scope and content of their policies beyond the minimum legal expectations.**

Selected Districts and Local Bullying Policies

District bullying policies were collected from 20 school districts that were randomly selected based on geographic region and urban or rural locale. The sample included 19 states, with two districts selected from the state of Texas. The analysis focused on 20 moderate- to large-size school districts that each enroll 9,000 students or more. The selected sample of 20 districts supports a total school enrollment of over 1 million students in grades K through 12. Although the districts were selected on a stratified-random basis, the sample is too small to be considered truly representative of all districts in the country. Nevertheless, it should be indicative of policies and practices found across the country.

District bullying policies show considerable variation in both their structure and the way in which policies are framed. Fifteen of the reviewed documents are stand-alone school board policies ranging in length from one to six pages. Five other district policies are embedded within larger codes of conduct governing all forms of behavior and discipline within the school setting. These codes of

conduct either integrate bullying language into more general discussions of discipline management by including "bullying and intimidation" on lists of behavioral infractions or establish separate sections of code specific to bullying issues.

Policies also vary with regard to how they are framed. Specifically:

- About half of all policies are strictly "bullying" policies.
- Two districts with "bullying" policies also maintain separate, but related policies addressing "harassment."
- Five documents are framed as policies on "bullying, harassment, and intimidation" where terms are used interchangeably.
- One district policy addresses "bullying and cyberbullying" and one addresses "bullying and hazing," and
- Three policies address a wide range of related behaviors, for example, policies governing "threats, bullying, cyberbullying, intimidation, harassment, and hazing," "bullying, taunting, stalking, hazing, and other forms of harassment, including sexual harassment," or "bullying, intimidation, and hostile or offensive conduct."

The way school board policies are framed reflects the same variation in terminology observed in state legislation, which reflects how the bullying issue was defined. Later discussion will focus on the extent to which actual definitions of bullying behavior discussed in district policies conform to how behavior was defined in state laws.

District Policy Components

The analysis in this section describes local policies in terms of their coverage of the six key policy components identified by the Department. Policies are rated within each component according to their coverage and overall expansiveness. The six components include: 1) bullying definitions; 2) reporting procedures; 3) investigations and response; 4) use of written records; 5) consequences or sanctions for prohibited behavior; and, 6) procedures for counseling or referral for mental health services and supports. The first component—bullying definitions—encompasses four components from the larger framework measuring purpose, scope, prohibited behavior, and enumeration of groups. These components together establish how bullying is operationally defined. The review covers each of these nine dimensions (i.e., the four definitional components of component one and the five remaining district policy components).

Reviews of state legislation also revealed that some laws establish additional requirements for district policies beyond the six core components conceptualized by the Department. For example, states that mandate districts to implement bullying prevention programs often require that prevention strategies be addressed in district policies. In states where prevention is simply encouraged, the inclusion of prevention language in policy is often left to the discretion of local school systems. Similarly, states that mandate training for school personnel typically require that training provisions be addressed in school district policies.

Other such components as expectations for publicizing policy content or for documenting bullying incidence also may not be explicitly required as a component of policy, but schools and districts are still expected to comply with these legal requirements. Accordingly, districts may be implementing

these provisions without addressing them in their formal policy documents. These additional components were excluded from systematic coding of coverage or expansiveness in order to conform to the guiding conceptual framework for the study, but are discussed briefly in narrative sections of the chapter due to their presence in most policies.

Prohibitions and Purpose Statement

Eighteen district policies contain clear prohibitions against bullying behavior on their school campuses and most include language conveying the purpose for establishing the policy.

Thirteen of the 20 districts in the sample are required by law to contain bullying prohibitions in their district policies. Each of these 13 districts has policies that include the necessary prohibiting statements, as do five other districts without any legal requirements. In all, 18 school board policies or codes of conduct directly prohibit bullying behavior or list bullying as a prohibited disciplinary infraction. The two remaining school board policies, each in states without mandatory prohibitions, use less explicit language to communicate expectations to schools. For example:

- A district's policy in Arizona expresses the school board's commitment "to providing all students with a safe school environment where everyone is treated with respect" and states that "students have a right to be free from any form of bullying."
- A district's policy in Missouri conveys the district's commitment "to maintaining a learning and working environment free of any form of bullying or intimidation."

Nine policies also contain specific prohibitions against reprisal or retaliation against individuals who witness or report bullying incidents, and five prohibit false reporting.

Statements communicating the purpose or intent of a policy represent different orientations toward addressing bullying behavior. Several policies emphasize individual rights of students, for example, characterizing bullying as a "violation of basic rights of the students and staff to be in a safe and orderly learning environment." Other policies reflect the importance of promoting school climate, for example, by expressing the need to ensure a "safe, caring, and respectful learning environment" or by recognizing "the negative effect that bullying has on student health, welfare and safety and on the learning environment at schools."

Other policies emphasize the importance of discipline and personal conduct. One purpose statement communicates the expectation that students "exhibit appropriate conduct that does not infringe upon the rights of others." Two policies include language referencing law enforcement involvement. Specifically one warns that "criminal acts or disruptive behavior of any kind will not be tolerated and any individual who engages in such activity will be subject to school disciplinary action, prosecution, or both." Another policy cautions that bullying "may in circumstances be a violation of federal or state law." This language reflects the emerging trend of imposing criminal sanctions for bullying behavior to deter future aggressors.

These different orientations communicate the intent behind legislation and policy, as well as the relative importance placed on different aspects of the bullying issue, such as a strong emphasis on promoting positive school climate and prevention, versus an emphasis on strong enforcement of rules of conduct.

Statement of Scope

Nineteen district policies contain a statement of scope establishing parameters for where bullying policies apply. Ten district policies extend the schools' jurisdiction to any off-campus conduct that negatively impacts the school environment.

The statements of scope that establish school jurisdiction over bullying behavior are similar to those found in state legislation. The number of policies that address conduct occurring on school grounds or property, at school-sponsored events, or other school settings is shown in Exhibit 24. Eight policies extend enforcement of bullying behavior to school-sponsored events or activities that are held "off-campus," for example, at "times when conduct is related to school" or "when conduct has a connection to school or any district curricular or non-curricular activity." Twelve district policies address bullying behavior that occurs on school buses or other vehicles, five cover bus stops, and five address behavior that takes place while students are in-transit (e.g., walking to and from campus).

Ten districts adopt the broadest language found in bullying policies concerning scope. This language extends jurisdiction over student conduct to off-campus acts that have the effect of creating a hostile learning environment. For example:

- A district policy in Connecticut states that "bullying which occurs outside of the school may be addressed by school officials if it has a direct and negative impact on a student's academic performance or safety in school."
- One Texas district policy grants schools the "authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities."
- A district policy in Louisiana covers off-campus conduct as it relates to acts of cyberbullying.

Exhibit 24. Statements of scope in school district bullying policies, by number of school districts (n=20)

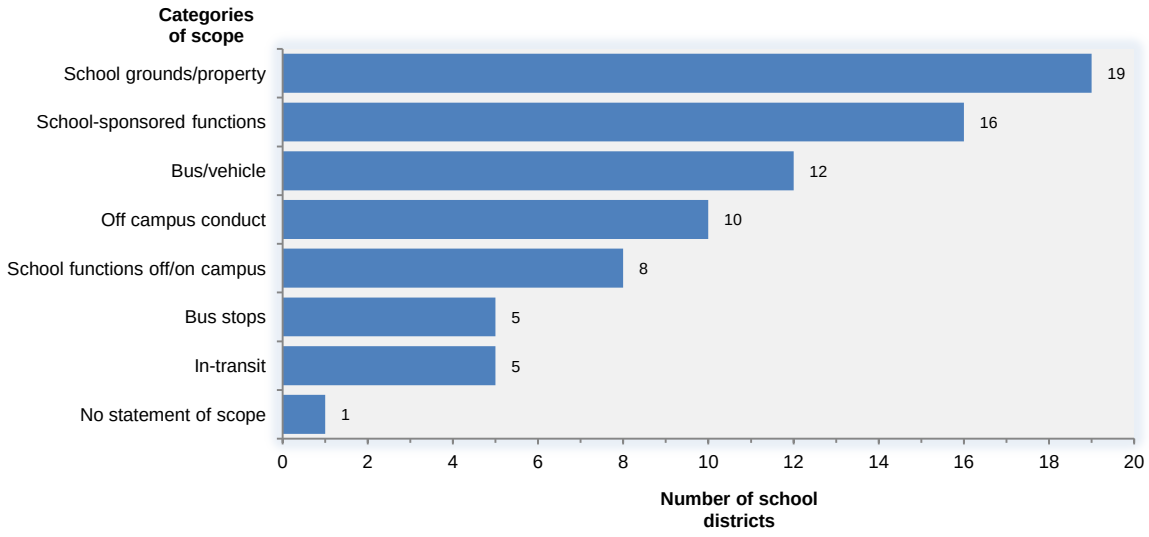


Exhibit reads: The statement of scope in 19 school district policies grants jurisdiction on school grounds or property.

Note: The policy from a school district in New Mexico was the only policy that did not contain language defining the scope of the school's jurisdiction over bullying behavior.

Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

The policy from a Pennsylvania district does not address off-campus conduct, but does communicate parental responsibility for students' off-campus behavior. The policy encourages parents "to contact one another directly in an attempt to resolve those situations that occur outside of the school setting." Pennsylvania state law, as noted in an earlier section, does not require enforcement of off-campus but grants districts discretion to extend school jurisdiction over off-campus behavior. There is one district in New Mexico that did not address scope in its bullying policy.

Prohibited Behaviors

Definitions for prohibited conduct in school district policies also show substantial variation across local school systems, which reflect the same general variation observed in state laws. The strongest illustration of this inconsistency is found in how two Texas districts define prohibited conduct. Whereas one policy conforms closely to the state legislative definition, the other defines bullying much differently. This lack of conformity also appears in other areas across the selected sample of policies. For example, whereas one policy considers "normal rough-housing and friendly teasing" to be acceptable behavior distinguishable from actions that are meant to cause harm, another states that "friendly or playful teasing may be considered bullying when such repeated behaviors continue despite clear signs of distress or opposition on the part of the victim."

All district definitions include language capturing the general harm of bullying and the physical and psychological damage incurred by victims. Exhibit 25 illustrates how frequently certain language appears in district policies to characterize the impact of bullying on victims and their school environments. About half of the policies capture threats or fear of harm in their bullying definitions and six policies cover damage to property. District policies also address the impact on the larger school environment when bullying creates a hostile environment for bullying victims, interferes with learning, or disrupts the school setting. These factors are often central in legal arguments for why schools should have jurisdiction over off-campus behavior, with the onus placed on schools to demonstrate that the behavior has disrupted the on-campus school environment (Hutton, 2007).

Exhibit 25. School district bullying policy language to define bullying behavior and associated harm, by number of school districts (n=20)

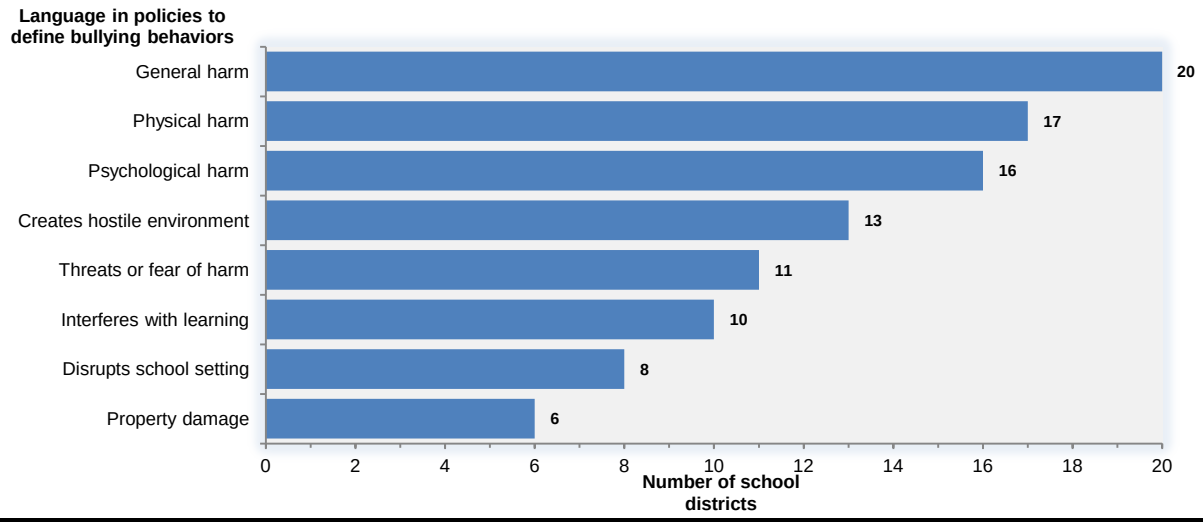


Exhibit reads: Policies in 20 school districts use the language "general harm" to define bullying behaviors.

Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

Fewer than half of all definitions establish the condition that bullying behavior must be repeated, systematic, or part of a pattern of behavior.

Bullying policies in seven of the 20 districts are consistent with research-based definitions that require bullying to be reoccurring or part of a pattern of behavior. Eleven districts do not contain any specific language pertaining to the number of acts. Two districts clearly specify that bullying may be a single act or occurrence and does not have to be part of a repeated pattern.

More than half of definitions contained in district policies were inclusive of behaviors that constitute relational aggression.

Eleven local policies contain inclusive language capturing relational aggression. For example, one district defines bullying as "physical, emotional, and verbal acts" that include "threatening looks, gestures, rumors, false accusations, social isolation." One district defines bullying as a "written or verbal expression or physical conduct," but provides examples in the policy that include rumor spreading and ostracism. Another example from policy includes a prohibition against "indirect actions that are intended to inflict physical or emotional discomfort upon another and can result in cruel rumors, false accusations, and social isolation." The nine remaining policies, however, focus largely on written, verbal, or physical acts.

The majority of district policies contain specific prohibitions against cyberbullying or other electronic acts, though many restrict prohibitions to use of school computers or technologies.

Fifteen of the 20 school district policies contain language pertaining to cyberbullying or acts of bullying using electronic means. Exhibit 26 demonstrates that nearly half of districts prohibit cyberbullying and also provide concrete definitions of the types of cyberbullying behavior that are prohibited under the policy. An example of one of the most comprehensive cyberbullying definitions is found in a district policy from Colorado, which defines cyberbullying as "the use of information and communication technologies such as E-mail, cell phone, and pager text messages, instant messaging, defamatory personal websites, and defamatory online personal polling websites, to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others."

Exhibit 26. Number of district policies addressing cyberbullying or electronic acts (n=20)

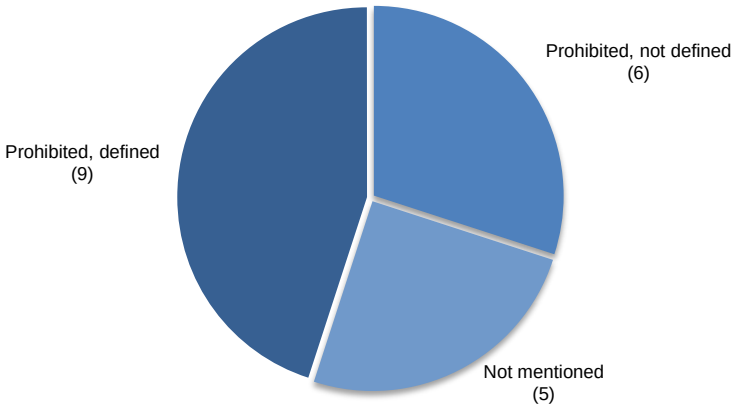


Exhibit reads: Policies in nine districts include language that prohibits and specifically defines cyberbullying or electronic acts.
Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

Four other districts prohibit cyberbullying, without providing a specific definition, while the remaining seven districts do not specifically address cyberbullying in their board policies. Seven districts use the term "cyberbullying," five refer to "electronic communication" or use of "electronic media," and one uses the term "online harassment."

School district policy provisions addressing cyberbullying are not always consistent with the language in their respective states' legislation. For example:

- Districts in Colorado and New York each add clauses into their local policies to address cyberbullying even though cyberbullying is not covered under their respective state laws.
- A district in Nevada omits language covering cyberbullying despite explicit requirements to address cyberbullying under state law. School districts within Nevada are required to adopt the model policy created by the department of education, although the policy has only recently been developed. This may account for differences between Nevada's legislative requirements and provisions found in the district's policy documents. The district does, however, prohibit "online harassment" through its acceptable Internet use policy.

Enumeration of Groups

Sixteen school district bullying and harassment policies identify groups of students who are explicitly protected from bullying and harassment under school-based policies.

The enumeration of groups in school district bullying policies is contained within bullying definitions, in separate definitions of harassment within the same policy, or in separate peer harassment policies that are referenced in bullying policy documents. Although the focus of the study is on policies governing bullying in schools, the conflation between bullying and harassment, evident in how bullying is defined and how legislation and policy is formulated, creates an inextricable link between the two categories of behavior.

Each of the district policies that name protected groups define bullying as potentially motivated by characteristics of students who are bullied, although all of the policies make clear that behavior does not need to reflect bullied students' characteristics to constitute bullying. For example, the Maryland district policy states that bullying "takes many forms and may include many different behaviors," and identifies "motivation by any actual or perceived characteristic" as one of several possible conditions that may characterize bullying behavior. District policies are also inclusive in their language regarding named groups, commonly using the phrase "including, but not limited to" to expand coverage under the policy to any targeted student regardless of their group affiliation or personal characteristics. In effect, the enumeration language found in policies communicates protections for specific classes of students but does not restrict bullying definitions to acts that are motivated by target characteristics.

Exhibit 27 illustrates that the most common groups or classes listed in district bullying and harassment policies are groups protected under federal civil rights legislation, including race or national origin, religion, disability, and sex. Half of the policies, or eight of 16, also add protections for sexual orientation, and five cover gender identity or expression. Other less commonly named characteristics include age, physical appearance, and socioeconomic or family status.

Exhibit 27. Enumerated characteristics in school district bullying policies, by number of school districts (n=20)

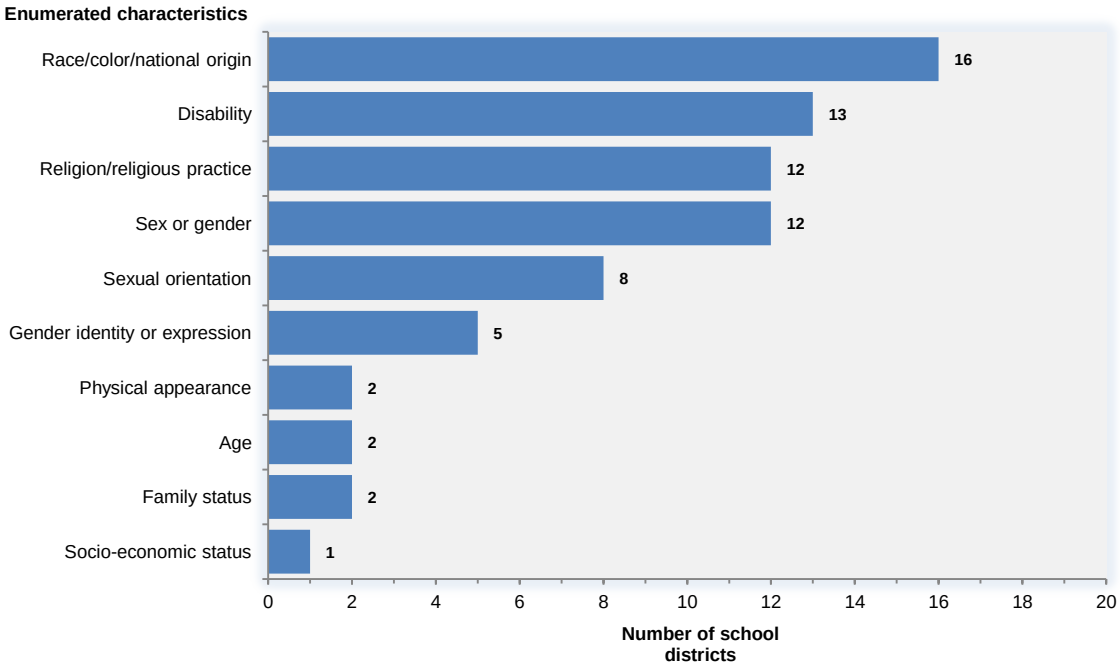


Exhibit reads: Race/color/national origin is a protected group in 16 school district bullying policies.

Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

Reporting

Seventeen district bullying policies contain specific procedures for reporting incidents of bullying on school campuses.

Procedures for reporting bullying incidents are present in almost all bullying policies, though reporting requirements vary considerably in terms of responsibilities assigned to parents, students, and school personnel. The three districts without reporting procedures each integrate bullying provisions into their student codes of conduct and do not have stand-alone bullying policies, which may explain why reporting was not addressed.

Typically, the discussion of procedures found within local policies outline detailed steps for reporting incidents on school campuses and identify personnel responsible for receiving bullying complaints. This contrasts with state legislation which is typically limited to use of general directives requiring districts to address reporting procedures. Exhibit 28 shows that 17 of the 20 policies reviewed outline responsibilities for members of the school community related to reporting bullying incidents. Specifically, 10 districts mandate school personnel to report any knowledge of bullying on the school campus. Four of those districts also obligate students to report acts that are witnessed. Three district policies encourage staff and students to report bullying, but do not require it, and three district codes of conduct that cover bullying behavior do mention reporting of bullying incidents.

Exhibit 28. School district policy requirements for reporting bullying incidents, by number of school districts (n=20)

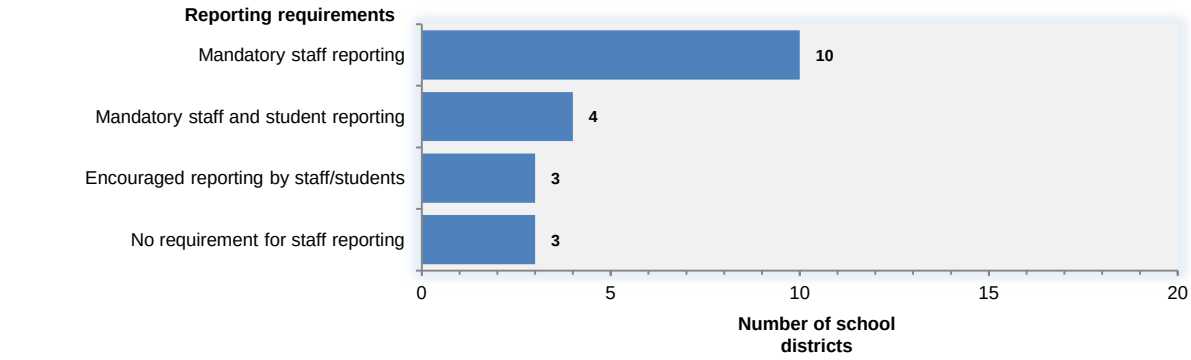


Exhibit reads: Ten district policies mandate that school personnel report bullying incidents.

Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

Two district policies in Pennsylvania and Colorado convey expectations for staff to take "immediate, appropriate steps to intervene" in any observed bullying situations. However, neither policy requires staff to report the incident unless the employee determines that the problem has not been sufficiently resolved.

An Arizona district's policy states that "students, parents, and District employees have a right and responsibility to report incidents of bullying." It is one of only four policies that mandate reporting by students. It also requires that reports be submitted within 30 days of the incident and states that "failure to report an alleged bullying incident may subject district employee to disciplinary action."

A district in New Mexico also has a stringent policy that imposes penalties on school personnel for failing to comply with policy provisions. Specifically, the policy outlines mandatory reporting requirements for school personnel who either witness or receive a report of a bullying incident, and includes requirements for school administrators to conduct a confidential investigation of all bullying complaints. School personnel who fail to "discharge a duty imposed by the policy," such as reporting a suspected bullying incident, may be subject to sanctions, including a warning or reprimand, suspension, termination, or discharge.

Investigations and Response

Sixteen district policies address the investigation of bullying complaints.

District bullying policies or codes of conduct for 16 school districts outline expectations for how districts should investigate bullying complaints. Eight district policies with less expansive provisions provide assurances that reported incidents of bullying will be investigated, but do not outline specific details of the investigation procedures. For example, the language might state that "reported incidents of bullying will be investigated promptly and thoroughly by the school administration" or that a "designee shall ensure that all reports involving student bullying in any such circumstance are promptly and thoroughly investigated and that appropriate action is taken."

Eight other district policies provided detail specifying how bullying complaints must be investigated and outlining specific steps or components of the formal investigation procedure. Examples include language establishing precise time lines for completing the investigation, requiring safeguards be established for students who are bullied or witnesses who are involved in an investigation, providing

assurances that the confidentiality of those involved in the investigation be maintained, and establishing appeal procedures for students who are dissatisfied with the outcome of an investigation. The school district policy in Utah is the only policy that outlines special accommodations for young students and students with special needs who may have difficulty preparing written statements (e.g., use of tape recorders or transcription) as part of an investigation.

Written Records

Thirteen district policies or codes of conduct require written reports of bullying incidents or written documentation of an investigation and resolution of complaints.

Nearly three-quarters of reviewed school district policies include specific language requiring written documentation of bullying complaints or investigations. The degree of detail varies between policies, ranging from brief mentions of written formats to more concrete explanations of documentation requirements. The less detailed policies set simple requirements, for example, "that reported incidents be reduced to written form" or limited its written requirements to cases involving suspension or expulsion of a student. Other policies establish clear expectations related to the use of written forms and timing of their submission.

For example, one policy requires that "a written report shall be prepared upon the completion of the investigation. If the complaint involves the superintendent of schools, the report shall be made and filed directly with the school board. Another documentation requirement contained within a student code of conduct outlined each student's right to due process, which includes the right to "receive written notice of the reasons for disciplinary action for alleged violations."

One of the more expansive district policies was one that required parents or guardians and school personnel who receive reports or who witness acts of bullying to submit a report in writing. The policy also requires that schools notify the parents of students involved in verified acts of bullying by mail in the form of a notice that describes "the schools' response and any consequences that may result in further acts of bullying." Another expansive policy also requires school personnel to report incidents in writing. The policy further mandates that the administrator who receives the report shall investigate the complaint and file a report with the school superintendent on components of the investigation, findings, and proposed actions within 10 days of receipt of the complaints. The superintendent is expected to respond by either "approving the proposal or directing further or different actions" within five school days. Three policies specifically referred to standardized reporting forms (e.g., statement of facts form) or mentioned "use of appropriate district forms."

Consequences and Sanctions

All 20 school district policies include specific provisions addressing consequences or sanctions for bullying behavior.

All district policies reference consequences, or identify specific disciplinary actions that can be imposed, often including suspension or expulsion. These sections of policy vary, ranging from very brief references, for example, a statement that the district "will act appropriately within the discipline codes of the District," to very detailed sections outlining a series of graduated consequences for bullying behavior by levels of offense. Policies contained within student codes of conduct are more likely to delineate specific consequences than stand-alone bullying policies, which may or may not reference other disciplinary codes.

Ten district policies that address bullying consequences focus largely on punitive sanctions that often include suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or co-curricular activities." The Georgia school district includes the most stringent school-based disciplinary approach, which mandates the expulsion of students upon a third bullying offense. Noted in an earlier discussion, this consequence is a required provision in district policies under Georgia state law.

A majority of bullying policies also outline procedures for reporting bullying offenses to law enforcement if the behavior is in violation of criminal law. This expanded role for law enforcement in response to school disciplinary problems reflects a relatively recent trend toward criminalization of school-based offenses that might not traditionally fall under the purview of law enforcement agencies. This shift is similarly observed in state legislation, which increasingly requires district policies to establish clear procedures that either facilitate or mandate law enforcement reporting.

Ten district policies suggest a range of disciplinary consequences for prohibited behavior that include nonpunitive behavioral supports for aggressive students and that range from very general to relatively detailed. For example:

- A district's code of conduct policy in New York outlines a broad range of guidance interventions to address bullying and cyberbullying behavior. These include, but are not limited to, interventions by counseling staff, positive behavioral interventions and supports (PBIS), peer mediation and conflict resolution, and referrals to counseling services.
- A district's policy in Colorado, by contrast, states that "the discipline process should be instructive and corrective and that its focus should be on helping the student to change or control inappropriate behavior, rather than on punishment."

The different approaches to enforcing bullying prohibitions reflect the different options available to districts to respond to bullying behavior, as well as different orientations that schools adopt to deal with bullying effectively.

Mental Health Referrals

Four district policies communicate clear provisions to address the mental health needs of students who are bullied and 10 contain counseling provisions or other nonpunitive behavioral interventions for students who bully others.

Bullying prevention and intervention approaches often emphasize the importance of intervening with youths involved in bullying to provide psychological supports and address concerns that place youths at-risk for bullying or bullying victimization (Sherer & Nickerson, 2010). However, among the board policies or codes of conduct reviewed, only four policies from districts in Connecticut, Maryland, New York, and Utah contain some form of mental health component addressing the psychological support needs of students who are bullied. The following are examples of language found in the four policy documents conveying each districts' approach to delivering supports to students targeted by bullying:

- A district policy in Connecticut calls for "case-by-case interventions for addressing reported incidents against a single individual or recurrently perpetuated bullying incidents by the same individual that may include both counseling and discipline."

- A district policy in Maryland mandates implementation of a whole-school bullying program that must include "support services for the bully, victim, witnesses, and bystanders."
- A district policy from New York states that "when a student or group of students engages in bias-based bullying, intimidation or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support and education services provided by school staff or a community-based agency."
- A district policy in Utah communicates the intent "to respond to school-related bullying incidents by implementing prevention efforts where victims of bullying can be identified and assisted."

As noted in the previous section, 10 school district policies include language outlining nonpunitive responses to bullying behavior to support and intervene with students who bully. The language used to describe these alternative consequences varies, ranging from descriptions of individual interventions that aim to address the psycho-social needs of aggressive students, to more general mentions of "referrals to counseling" or "education for perpetrators," which are listed as options for disciplining in codes of conduct. These provisions are coded in the analysis under ratings of consequences and sanctions. Specifically, policies outlining use of positive behavioral supports for bullies in addition to more traditional discipline methods (e.g., suspension and expulsion) are rated as more expansive than those relying on purely punitive sanctions to respond to school bullying behavior. Overall, provisions to address either the psychological needs of bullied students or the behavioral support needs of students who engage in bullying had relatively limited coverage in school district policies. This is consistent with the limited coverage of these provisions in state laws.

Additional Components

The remaining key components cover other legislative requirements and expectations for schools and districts that were not conceptualized as district policy components in the U.S. Department of Education's key component framework. These additional components include requirements for how policies should be communicated to members of the school community, expectations for implementing prevention strategies and school personnel training, requirements for documenting and reporting bullying incidents, and statements regarding victims' rights to legal remedies. These additional provisions were reviewed and discussed in narrative due to their presence in the majority of district policies, but were excluded from systematic ratings of policy coverage or expansiveness.

Review of Local Policies

Three school districts' policies included specific language outlining a process for policies to be reviewed by the state department of education.

School districts in California, Colorado, Connecticut, Maryland, Nevada, and Pennsylvania are required by law to submit their school district bullying or harassment policies to the state department of education for review. Although it was not anticipated that policy documents would contain language outlining the review process, districts in Connecticut, Maryland, and Utah each mentioned requirements for review under state law.

Communication

Seventeen districts include language related to communication of policies.

The majority of school board policies or codes of conduct include some language reflecting how policies are communicated. For example, a district's school board policy in Utah requires schools to publicly post rules and disciplinary policies and to communicate rules and procedures in writing to new and returning students at the beginning of each school year, to transfer students at the time of their enrollment, and to parents and guardians.

Three districts' policies have strong communication provisions that require schools to actively review and discuss school bullying policies with students and school personnel. Specifically:

- A school board policy in Louisiana requires that the district bullying policy be publicly posted in accessible locations on school campuses and requires the district to establish a method for discussing the policy with students, administrators, teachers, and other school personnel who are in contact with students.
- A district policy in Maryland creates a standardized form for reporting bullying incidents and requires that information on the form be communicated to members of the school community through multiple sources.
- A district policy in South Carolina places responsibility with the superintendent to ensure that the policy is provided to students, staff, parents/legal guardians, volunteers, and members of the community and to establish a process for discussing the policy with students.

Training and Prevention

Eleven district policies include provisions for training school personnel or implementing prevention programs or strategies.

State legislation communicates district responsibilities for school personnel training and prevention differently. For example, staff training is often listed as a required component of school district policies, whereas prevention programming is often suggested rather than mandated, and is typically addressed outside of prescribed district policy provisions. Accordingly, districts may be addressing bullying prevention or training, even though their activities are not communicated through formal school policies.

Training for School Personnel

Nine school districts in the sample are in states with laws mandating training for school personnel, and one is in a state that encourages training, but does not require it. The other half of districts are in states where legislation does not address school personnel training in any form. The expectations for training conveyed in school district bullying policies vary with regard to the implied purpose of training programs and the level of detail with which training requirements are communicated. Most policy provisions are oriented toward training school personnel on enforcement of the bullying policy. For example, Missouri's policy requires the district to "provide training for employees relative to enforcement of this policy." Virginia's district policy mandates that school personnel receive in-person training "to ensure a consistent approach is adopted on a division-wide basis." Maryland's district policy states that the district shall develop educational programs for teachers and administrators to support implementation and enforcement of the bullying policy.

Training components of other district policies focus on educating school personnel about the nature of bullying behavior. For example, Utah's district policy outlines plans for training students, staff, and volunteers on overt aggression, relational aggression or "indirect, covert, or social aggression," and cyberbullying, and provides for training and education specific to bullying "based upon students' actual or perceived identities, and conformance or failure to conform with stereotypes."

Prevention

Prevention program expectations found in district polices vary regarding the extent to which they provide clear guidelines and expectations related to specific prevention programs or activities. Some policies are vague, communicating the importance of school-wide prevention efforts for maintaining positive school climate, without outlining specific requirements for schools to follow. Other policies present clear expectations for schools. For example, a district policy from Pennsylvania indicates that students "will be provided with skills to deal with bullying situations and will be made aware of available resources to assist in resolution of the problem." A district policy from Utah outlines a requirement that each school develop a local prevention program by adopting a district approved model. The program must provide discussion and training on bullying issues on an annual basis, and must include an assessment of bullying prevalence in the school with documentation of locations where students feel most unsafe, and strategies for providing students and staff with awareness, intervention skills, and social skills training. The policy also requires that districts adopt a school bullying prevention program that includes strategies to promote bullying awareness and to build intervention and social skills. The training program targets students and all staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches. The district policy from Connecticut offers another example of a more comprehensive prevention component. That is, Connecticut district policy requires the district to implement a prevention and intervention strategy, which may include a number of suggested components, including: positive behavioral interventions and supports or other evidence-based model approaches for safe school climate, surveys to determine prevalence of bullying, increased adult supervision of areas where bullying typically occurs, individual interventions with the bullies, parents and staff, individual interventions with bullied students, their parents, and staff, and school-wide training related to safe school climate.

Transparency and Monitoring

Three districts included provisions for monitoring and reporting incidents of bullying on their school campuses.

Transparency and monitoring were covered under three district policies, although more districts may be performing data recording and reporting functions without specifically addressing these activities in their written policies. Only one policy required schools to establish a system for recording bullying incidents and to report data to the state department of education. Specifically:

- A district's policy in Connecticut contains the strongest provisions for monitoring by requiring that each school contain a "publicly available list of the number of verified bullying acts that occurred there, and within available appropriations, report such number to the Department of Education annually and in such manner as prescribed by the Commissioner of Education."
- A district's policy in Utah requires that an assessment of bullying prevalence be completed as an element of each school's bullying and hazing prevention program. The focus of the assessment, however, is on identifying locations on campus where students are most unsafe and where supervision may be needed, rather than on monitoring bullying prevalence over time.

- A district's policy in Colorado encourages schools to collect and monitor bullying-related data using surveys, questionnaires, discipline statistics, and information reported under "learning environment goal(s)" in their annual school improvement plans.

Right to Seek Other Legal Remedies

Two district policies include language communicating assurances to bullying victims of their rights to pursue other legal remedies under state or federal law.

Statements communicating the rights of victims to seek redress under the law are present in two district policies. These statements vary with regard to their specificity. For example, a district policy in Virginia guarantees individuals the right "to pursue other avenues of recourse to address concerns relating to prohibited harassment, including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law." The second policy, from a district in Maryland, simply states that the policy "does not limit the legal rights of a victim of bullying, harassment, or intimidation." These two districts are each in states that contain legal assurances of victims' rights in the text of legislation.

District Policy Coverage of Key Components

Each of the 20 district policies was reviewed to determine the extent to which policies covered nine key components, including four components that together comprise how bullying is defined and five policy components that are typically required by law to be addressed in local board policy documents.

The total count of components covered in school board policies or codes of conduct across each of the nine dimensions is shown in Exhibit 29. One district in the sample has a policy addressing fewer than half of the nine dimensions reviewed. This policy focuses primarily on individual conduct and associated consequences for bullies and does not address support for victims or conditions in the larger school environment that prevent or mediate bullying behavior, such as clear communication, prevention and training for students and school personnel, or provisions to ensure accountability. This district is located in a state that falls among the bottom 10 with regard to the expansiveness of their bullying legislation.

Overall the key components that are common to nearly all local district policies include statements prohibiting bullying behavior, definitions of prohibited behavior, statement of scope, and discussions of consequences. This conforms to the pattern found in many states' legislation that emphasizes more traditional approaches to addressing bullying, focusing on individual conduct.

Components that are least frequently observed across the nine coded dimensions include procedures addressing mental health needs of victims, and the use of written records. Mental health supports for students who are victims of bullying are only addressed in four policy documents, although districts do promote counseling as a strategy to address behavioral issues for bullies.

Exhibit 29. Extent of coverage of U.S. Department of Education-identified key components in local district and board bullying policy documents, by state (n=20)

State	School District Components									TOTAL
	Definitions				Provisions					
	Purpose	Scope	Prohibited behavior	Enumeration of groups	Reporting	Investigation	Written records	Consequences	Mental health	
Arizona	✓	✓	✓		✓	✓	✓	✓		7
California	✓	✓	✓	✓	✓	✓	✓	✓		8
Colorado	✓	✓	✓	✓	✓	✓	✓	✓		8
Connecticut	✓	✓	✓	✓	✓	✓	✓	✓	✓	9
Georgia	✓	✓	✓	✓	✓			✓		6
Indiana	✓	✓	✓		✓	✓	✓	✓		7
Louisiana	✓	✓	✓	✓	✓	✓	✓	✓		8
Maryland	✓	✓	✓	✓	✓	✓	✓	✓	✓	9
Michigan	✓	✓	✓	✓	✓	✓		✓		7
Missouri		✓	✓		✓			✓		4
Nevada	✓	✓	✓		✓	✓		✓		6
New Mexico	✓		✓	✓	✓	✓	✓	✓		7
New York		✓	✓	✓				✓	✓	5
Ohio	✓	✓	✓	✓	✓	✓	✓	✓		8
Pennsylvania	✓	✓	✓	✓	✓	✓	✓	✓		8
South Carolina	✓	✓	✓	✓	✓	✓		✓		7
Texas (city)	✓	✓	✓	✓	✓	✓	✓	✓		8
Texas (town)	✓	✓	✓	✓				✓		5
Utah	✓	✓	✓	✓		✓	✓	✓	✓	8
Virginia	✓	✓	✓	✓	✓	✓	✓	✓		8
	18	19	20	16	17	16	13	20	4	
	90%	95%	100%	80%	85%	80%	65%	100%	20%	

Exhibit reads: The district selected from Arizona covered seven school district policy components in its local bullying policy.

Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

Comparison Between Definitions in State Legislation and Model Policies and Definitions in District Policies

The analysis of school district policy content also focused on assessing the extent to which definitions in school policies conform to definitions in legislation to evaluate the degree of consistency in how bullying is defined within states. This review uncovered substantial differences in the way bullying is defined across state agencies and local school systems within individual states. Among school districts in the sample, 18 are governed by laws that define bullying behavior. Ten districts are explicitly required to define bullying within their school district policies. Of those 10 districts, seven must adopt the same legal definition of bullying found in state statute, and three others are granted discretion over how bullying in schools is defined. In eight districts, legal expectations for bullying definitions are unspecified or unclear, and in two others there is no state legislation, or else the law does not define bullying or set expectations for local policies. The following summary explores the relationship between state and district definitions of bullying within each of these policy settings.

- *District policies must adopt the legal definition of bullying as defined in state statute.* Of the seven districts that must legally define bullying based on state definitions, five districts meet the requirement and two others in New York and Nevada do not. Enacted legislation in New York does not go into effect until July 2012, which may explain why the district code of conduct does not

conform to the law. State law in Nevada requires districts to adopt the standard definition included in its state model policy, although the state model was not drafted until 2011.

- *District policies must include a definition but are given discretion over how bullying is defined.* The state laws of New Mexico, Pennsylvania, and Virginia outline the specific provisions that must be contained in district policies, which either include a definition of bullying or require the adoption of model policies. The law does not explicitly require the definition to match the legal definition in state statutes. New Mexico and Pennsylvania have state model policies that define bullying using the same definition in the law; however, neither of the two district policies matches the legal definition found in the legislation and state model policy for their respective states. The definition in the district policy in Virginia also did not conform to the definition in the model regulation for codes of conduct.
- *District policy requirements did not specify how bullying should be defined or requirements were unclear.* Eight districts are in states that do not require local policies to include definitions of bullying or dictate how bullying should be defined. Five of these eight districts adopt the state's legal definition and, of those, two are in states with model policies that adopt the same definition.

Two districts are in states with either no bullying legislation (i.e., Michigan) or in states where bullying behavior is not defined at the legislative level (i.e., Arizona). Specifically:

- The Michigan school district policy was created without legislative guidance, although the Michigan State Board of Education model policy was adopted in September of 2006. The selected district policy was most recently revised in November of 2004. The definitions of bullying are dissimilar. Michigan had one of the earliest state model policies to be developed; however, the finding indicates that districts are not required to adopt the new model policy or to update their existing policies.
- A district's policy in Arizona was developed without guidance from a legal definition and without a model policy from the state.

In all, only half of the 20 school district definitions of bullying conform to how bullying is defined in their state legislation.

Expansiveness Ratings Across District Policies

The next section describes the content of school district policies according to the same approach used to rate state legislation in Chapter II, adjusted to reflect the fewer number of key components that are most relevant to school district policies. Specifically, each of the 20 policies was systematically rated on nine components or subcomponents—four components measuring how bullying is defined and five policy components that are typically required by law to be present in most school district policies. Components and policy subcomponents were each assigned a 0 to 2 rating based on their expansiveness, and scores were summed to arrive at a total rating, ranging in value from zero to 18. To compare each district's policy rating to legislation in their respective states, ratings of state laws presented in Chapter II were adjusted to also reflect the same nine components analyzed in district policies.

Exhibit 30 contains school district bullying policy ratings on measures of expansiveness. These scores ranged from a low of 6 to a high of 17. The average total rating across all 20 districts was 11.6. Purpose statements, descriptions of prohibited behavior, reporting procedures, statement of

scope, enumeration of protected groups, and content on consequences or sanctions all rated highly on measures of expansiveness. Least expansive components addressed in policies involved the use of written records, procedures for investigations, and mental health referrals for victims. These patterns were generally consistent with more or less expansive components of legislation.

Exhibit 30. Extent of expansiveness of district policy components in selected district and board bullying policies, by state (n=20)

	School District Components									
	Definitions				Provisions					
State	Purpose	Scope	Prohibited Behavior	Enumeration of Groups	Reporting	Investigation	Written Records	Consequences	Mental Health	TOTAL
Arizona	1	1	1	0	2	2	2	1	0	**10**
California	2	2	2	2	2	1	2	1	0	**14**
Colorado	2	2	2	1	2	1	2	2	0	**14**
Connecticut	2	2	2	2	2	2	2	2	1	**17**
Georgia	2	1	1	2	1	0	0	1	0	**8**
Indiana	1	1	1	0	1	1	2	1	0	**8**
Louisiana	2	2	2	2	2	2	2	2	0	**16**
Maryland	2	2	2	2	1	1	2	2	2	**16**
Michigan	2	1	1	2	1	1	0	1	0	**9**
Missouri	0	1	2	0	2	0	0	1	0	**6**
Nevada	2	2	2	0	2	1	0	1	0	**10**
New Mexico	2	0	2	2	2	2	1	1	0	**12**
New York	0	2	2	2	0	0	0	2	2	**10**
Ohio	1	1	2	1	2	2	2	2	0	**13**
Pennsylvania	2	1	2	2	2	2	1	2	0	**14**
South Carolina	2	1	2	2	2	1	0	1	0	**11**
Texas (city)	1	2	2	2	2	2	2	1	0	**14**
Texas (town)	2	2	1	2	0	0	0	2	0	**9**
Utah	2	1	2	1	0	2	2	2	1	**13**
Virginia	2	2	2	2	2	1	1	2	0	**14**
Average:	**1.6**	**1.5**	**1.8**	**1.5**	**1.5**	**1.2**	**1.2**	**1.5**	**0.3**	**11.6**

Exhibit reads: The Arizona school district received an expansiveness rating of 10 out of a possible 18 points.

Note: Rating reflects school district or board policies for enumerated groups in bullying policies and harassment policies that were specifically referred to in bullying policies. Sixteen school districts covered enumerated groups either in the bullying/harassment policies or referred to harassment in the bullying policies. Four districts covered enumerated groups only in their harassment policies. All 20 school districts covered enumerated groups somewhere in their body of district policies.

Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

Exhibit 31compares the expansiveness ratings of district policies and their respective state laws. For comparative purposes, ratings for state laws were adjusted to only encompass the sum of ratings for the nine components and policy subcomponents reviewed at the school district level that address expectations for district policy content. The comparison generally shows that the content of district policies is more expansive than the content of legislation. This pattern is found in 15 of the 19 school districts and states reviewed, excluding the state of Michigan, which has not yet enacted state bullying legislation. Two policies from Arizona and Missouri are as equally expansive as their respective state laws. The two remaining policies from districts in New York and Georgia are less expansive than their authorizing legislation; however, in both Georgia and New York, state legislation was only recently enacted; it went into effect in August of 2011 in Georgia and will go into effect in 2012, in New York.

Exhibit 31. Comparison between bullying state law and local policy expansiveness ratings, by state (n=20)

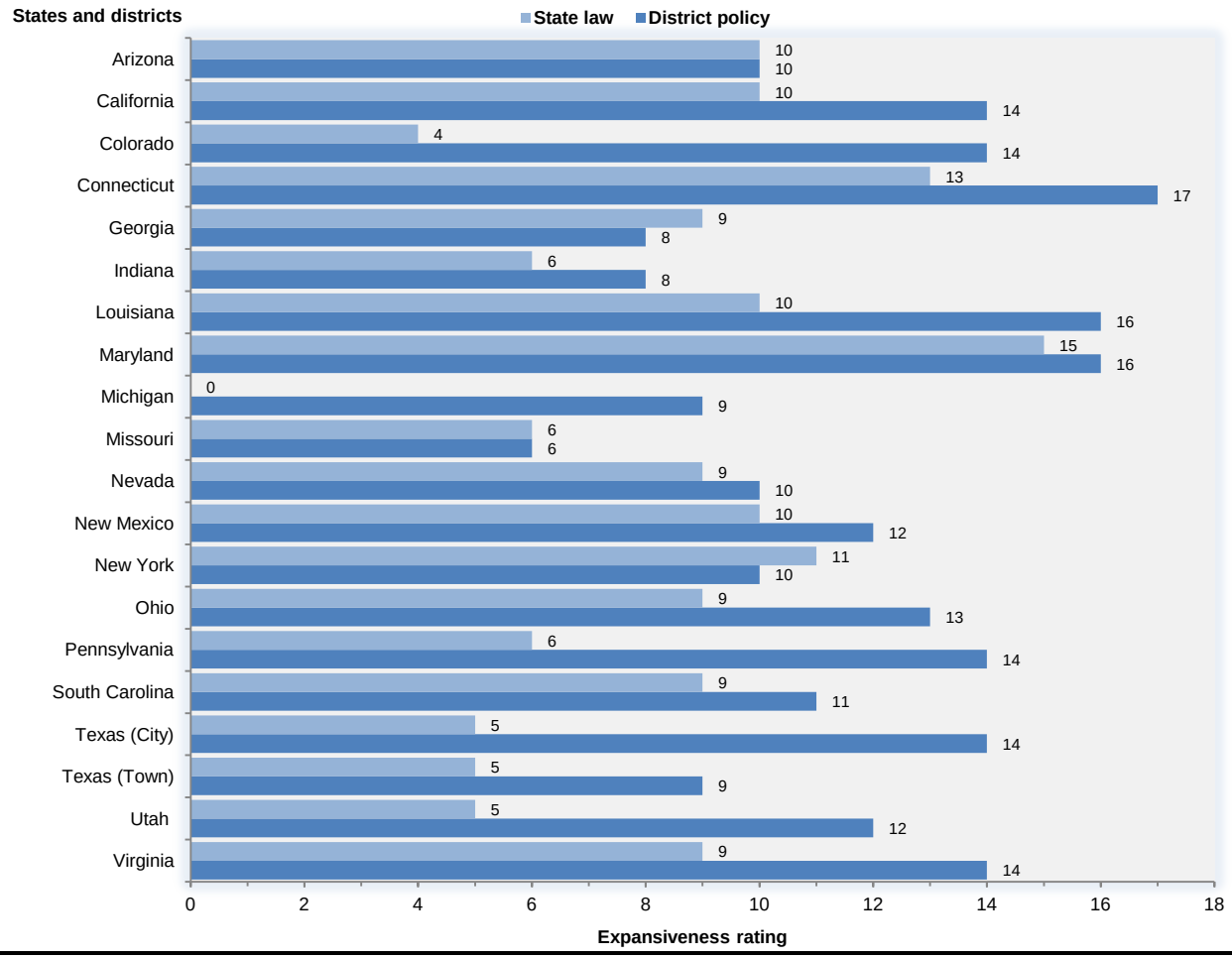


Exhibit reads: Arizona's legislation received 10 out of a possible 18 points measuring the expansiveness of its bullying law.
Source: School district or board policies retrieved from district websites from twenty randomly selected school districts.

Districts in Maryland and Connecticut, two of the states with the most expansive laws in the sample, also produced the two most expansive local district policies. This suggests that more prescriptive legislative expectations may drive to some extent the development of broader and more in-depth coverage of key components in school district policies. In the state of Missouri, less expansive legislation produced less expansive policy, although this was an exception. Instead, the largest differences between ratings of state laws and local policies are in those states with the least expansive legislation, (i.e., 9 points or fewer). The gap between law and policy ratings in these states ranges anywhere from 1 to 10 total points out of a possible 18-point rating. Notably, the state of Colorado has the least expansive state law within the study sample with regard to school district policy expectations, whereas the district policy from Colorado is rated as one of the most broadly defined and detailed. Similar differences were found between laws and policies in Pennsylvania and Texas, where districts cover more components in substantially greater breadth and depth than is required under law. This finding suggests that local policy formulation may be influenced by many different factors, and is not exclusively tied to legislative expectations.

Summary

In 46 states, bullying legislation requires or encourages school districts to develop bullying policies. Indeed, local policies will provide the most direct requirements and guidance for implementation of bullying strategies in schools. This section profiled policies in 20 school districts across the nation, in environments that varied from rural to urban, providing preliminary information on this critical link in the chain from state laws to the school environments that impact students directly. With just three exceptions, local district policies were as expansive, or more expansive, than the state laws under which they were developed. This may reflect the necessities of local policy that is closer to implementation, and it may also reflect other influences, such as the state model policy or guidelines. Although they are more expansive, the district policies reflect a similar ordering of emphasis on components to state policy. The sections of policies that discuss prohibited behaviors, the reporting of incidents, statement of scope, enumeration of protected groups, and consequences and sanctions were more expansive than sections of policies that focused on investigations and written records of bullying incidence or providing assistance to bullying victims.

V. Summary and Discussion

Bullying behavior among youths is an increasing concern facing elementary and secondary school systems. Fueled by a number of high-profile bullying incidents, there is a growing public awareness that bullying represents a serious and often neglected youth problem. Research and professional understanding of the bullying issue also has revealed the serious and lasting consequences of bullying behavior for students who are bullied, their families and their peers, for the students who bully other youths, and for the social and educational climate of schools. Accordingly, there is growing pressure on governments and schools to devise effective solutions to combat bullying behavior both on and off school campuses.

This report provides a systematic description of the status of bullying state legislation current to April 2011. The review includes comprehensive documentation of the development of legislation in the state and of the development of state model policies and guidance materials pursuant to this legislation. It also provides documentation of district bullying policies in a stratified random sample of 20 school districts nationwide. The analysis at each of these levels includes an assessment of the degree to which policies include 11 key components of policies identified by the U.S. Department of Education.

Major findings concerning the current status of bullying legislation and policy across states include:

- *State legislation concerning bullying has grown rapidly and nearly all states currently have bullying laws.*
  From 1999 to 2010 there were more than 120 bills enacted by state legislatures nationally that have either introduced or amended education or criminal statutes to address bullying and related behaviors in schools. Twenty-one new bills were passed in 2010 and eight additional bills have been signed into law as of April 30, 2011, with only four states as of that date without legislation specifically addressing bullying. Analyses in this report reflect state bullying legislation enacted through April 30, 2011. The analyses do not reflect the recent enactment of House Bill 688 in the state of Hawaii, or amendments to other states' legislation that occurred after April 30, 2011, including, but not limited to, new laws passed in California, Rhode Island, Tennessee, and Texas during their states' 2011 legislative sessions.
- *There is currently a rapid expansion and revision of state bullying legislation.*
  Legislative activity remains high as states replace or revise their legislation. In the six years from 2000 to 2006, 48 pieces of state legislation concerned bullying. In just over four years since that time, there has been 78 pieces of state bullying legislation. As bullying becomes more recognized as a problem, and as states gain experience with implementing and assessing early statutes, revision is to be expected.
- *Some key components are included in legislation in many more states than others.*
  The most commonly covered key components are the development and implementation of district policies, the scope of jurisdiction over bullying acts, definitions of prohibited behavior, and disciplinary consequences. At the other extreme, referrals for mental health counseling are covered in only 11 state laws.

- *States differ substantially in the number of components they include in legislation and in the ways in which those components are addressed.*
  Among the 46 states with bullying legislation, only two contain provisions covering all of the key components and school district components. However, 17 states include between 13 and 16 components and 17 others cover between 9 and 12. Twelve states with legislation covered half (eight) or fewer components. States differ substantially in the number of components covered by their legislation and also address each component in different ways, with different levels of detail and specificity.

- *Many states have expanded bullying legislation to respond to emerging problems related to cyberbullying.*
  Thirty-six states include provisions in their education codes prohibiting cyberbullying or bullying using electronic media. Thirteen state laws specify that their school bullying statutes cover off-campus conduct if it creates a hostile school environment, granting schools authority to address cyberbullying activities that originate outside of the school setting.

- *Most states (41) have developed model bullying policies or other widely available guidance documents concerning bullying.*
  Twenty-six of the 27 states with model policy recommendations or requirements have developed state policies, as have 12 other states without a legal requirement that they do so. Three states without bullying legislation—Hawaii, Michigan, and Montana—also have adopted state model policies and guidelines.

- *Policies in the randomly sampled set of 20 districts investigated tend to be more expansive than state legislation or policies in the states in which they are located.*
  This report profiled policies in 20 school districts in varied state environments across the nation, providing preliminary information on how state laws translate into school-based policies that impact students directly. With a few exceptions, local district policies were as expansive, or more expansive, than the state laws under which they were developed. District and school policy is closer to implementation, and may focus more on the detailed guides and requirements that are necessary to effectively put bullying policies into practice. State model policies and guidelines are often more detailed than legislation, and may help districts write more expansive policy.

- *At least in the context of our sample, more expansive school district policies tend to be in states with more expansive legislation.*
  Among the 20 reviewed school district bullying policies, districts located in states with more expansive legislation have the most expansive school district policies, although school districts with the least expansive laws each substantially expand on the scope and content of their policies beyond the minimum legal expectations.

While this report focuses on documenting and profiling policy across the states, these policies may not benefit schools or students unless they can be successfully implemented. For example, legislation that defines prohibited bullying behaviors, and specifies graduated and substantial sanctions, will often require extensive implementation procedures, such as reporting requirements, investigation, and procedures for implementing the sanction (e.g., expulsion). Whether these necessary actions are feasible within resource constraints cannot be determined through a policy review alone. These questions require more information and represent the central focus of the second phase of the study.

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Appendix A

U.S. Department of Education Dear Colleague Letter Summarizing Examples of Department Key Components of State Bullying Laws

December 16, 2010

Dear Colleagues:

Recent incidents of bullying have demonstrated its potentially devastating effects on students, schools, and communities and have spurred a sense of urgency among State and local educators and policymakers to take action to combat bullying. The U.S. Department of Education (Department) shares this sense of urgency and is taking steps to help school officials effectively reduce bullying in our Nation's schools. Bullying can be extremely damaging to students, can disrupt an environment conducive to learning, and should not be tolerated in our schools.

Along with our partners from the Departments of Health and Human Services, Agriculture, Interior, Defense, and Justice, we are in the process of developing key strategies to support and encourage efforts to prevent bullying in our schools. Our ongoing work has included the first-ever Federal Bullying Prevention Summit in August, the launch of our interagency bullying-resource website, http://www.bullyinginfo.org, the continued support and growth of the Stop Bullying Now! campaign, and the development of research and guidance on bullying prevention. The Department also awarded eleven Safe and Supportive Schools Grants to states to develop measurement systems to assess schools" conditions for learning, including the prevalence of bullying, and to implement programs to improve overall school safety.

Recent guidance includes a Dear Colleague Letter issued on October 26 by the Department's Office for Civil Rights (OCR) that explains how, under certain circumstances, bullying may trigger legal responsibilities for schools under the civil rights laws enforced by OCR and the Department of Justice that prohibit discrimination and harassment based on race, color, national origin, sex, disability, and religion.[1] Schools must protect students from bullying and harassment on these bases, in addition to any obligations under state and local law.

Numerous stakeholders, including the National Conference of State Legislatures, the National Association of School Boards, the Leadership Conference on Civil and Human Rights, individual State legislators, and local school districts, among others, have asked the Department to provide assistance in crafting effective anti-bullying laws and policies. In response, the Department has prepared the attached summary of examples that illustrate how some states have tried to prevent and reduce bullying through legislation. States and local school districts can use these examples as technical assistance in drafting effective anti-bullying laws, regulations, and policies. The Department will also be working to produce additional helpful resource information.

[1] The federal civil rights laws enforced by the Department include Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability. OCR's Dear Colleague letter on discriminatory harassment under these statutes is available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html. The Department of Justice has jurisdiction to enforce Title IV of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, sex, religion, or national origin.

Forty-five states have already passed laws addressing bullying or harassment in school. Ultimately State officials will determine whether new or revised legislation and policies should be introduced to update, improve, or add bullying prevention provisions. It is our hope that this information will be of assistance to State officials and other interested stakeholders.

Though laws are only a part of the cure for bullying, the adoption, publication, and enforcement of a clear and effective anti-bullying policy sends a message that all incidents of bullying must be addressed immediately and effectively, and that such behavior will not be tolerated. State laws, and their related district- and school-level policies, cannot work in isolation, however. When responding to bullying incidents, schools and districts should remember that maintenance of a safe and equitable learning environment for all students, including both victims and perpetrators of bullying, often requires a more comprehensive approach.

If you wish to receive further technical assistance on addressing bullying, please do not hesitate to contact the Department's Office of Safe and Drug-Free Schools by visiting its website at http://www2.ed.gov/about/offices/list/osdfs/index.html or by calling at 202-245-7896.

I look forward to continuing our work together to ensure equal access to education and to promote safe and respectful schools for all of our students.

Sincerely,

/s/

Arne Duncan

Attachment

Anti-Bullying Policies: Examples of Provisions in State Laws

In response to requests for assistance by state and local officials, educators, and policymakers, we summarize below examples of key components of state anti-bullying laws. This document serves as technical assistance for those stakeholders looking to develop or revise anti-bullying legislation or policies. The Department has organized the key components into eleven categories for convenience. We include citations to state laws that illustrate the key components we identified, but we do not endorse any particular laws. Additional examples are included at the end of the document, but these citations are not intended to be comprehensive. Many other state and local laws and policies may provide helpful guidance on developing effective anti-bullying policies. As part of our technical assistance effort to disseminate useful information on this important topic, we welcome other examples of laws and policies that may be working effectively to address bullying in schools. States and local educational agencies (LEAs) should seek the guidance of state and local legal officials to ensure that the legislation is consistent with all applicable federal and state laws. The Department also plans to release a compendium of all current state laws and a study of their implementation.

The following are examples of components found in current state laws on bullying:

I. Purpose Statement

- Outlines the range of detrimental effects bullying has on students, including impacts on student learning, school safety, student engagement, and the school environment.
- Declares that any form, type, or level of bullying is unacceptable, and that every incident needs to be taken seriously by school administrators, school staff (including teachers), students, and students' families.
- *Example*:[1]
  - **Oklahoma**: Okla. Stat. Ann. Tit. 70, §24-100.3 (2009): "The Legislature finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. . . . Successful programs to recognize, prevent, and effectively intervene in bullying behavior have been developed and replicated in schools across the country. These schools send the message that bullying behavior is not tolerated and, as a result, have improved safety and created a more inclusive learning environment."

II. Statement of Scope

- Covers conduct that occurs on the school campus, at school-sponsored activities or events (regardless of the location), on school-provided transportation, or through school-owned technology or that otherwise creates a significant disruption to the school environment.
- *Example*:[2]
  - **Indiana**: Ind. Code Ann. §20-33-8-13.5 (b) (2010), Disciplinary Rule Requirements: "The discipline rules [related to bullying]…must apply when a student is: (1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; (2) off

school grounds at a school activity, function, or event; (3) traveling to or from school or a school activity, function or event; or (4) using property or equipment provided by the school."

III. Specification of Prohibited Conduct

- Provides a specific definition of bullying that includes a clear definition of cyberbullying. The definition of bullying includes a non-exclusive list of specific behaviors that constitute bullying, and specifies that bullying includes intentional efforts to harm one or more individuals, may be direct or indirect, is not limited to behaviors that cause physical harm, and may be verbal (including oral and written language) or non-verbal. The definition of bullying can be easily understood and interpreted by school boards, policymakers, school administrators, school staff, students, students' families, and the community.
- Is consistent with other federal, state and local laws. (For guidance on school districts' obligations to address bullying and harassment under federal civil rights laws, see the Dear Colleague Letter: Harassment and Bullying, issued by the Department's Office for Civil Rights on October 26, 2010, available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf.)
- Prohibited Conduct also includes:
  (1) Retaliation for asserting or alleging an act of bullying.
  (2) Perpetuating bullying or harassing conduct by spreading hurtful or demeaning material even if the material was created by another person (e.g., forwarding offensive e-mails or text messages).
- *Examples*:[3,4]
  - **Florida**: Fla. Stat. Ann. 1006.147(3) (2010): "(a) 'Bullying' means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: (1) Teasing; (2) Social exclusion; (3) Threat; (4) Intimidation; (5) Stalking; (6) Physical violence; (7) Theft; (8) Sexual, religious, or racial harassment; (9) Public humiliation; or (10) Destruction of property. . . . (d) The definitions of 'bullying' and 'harassment' include: (1) Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment…[and] (2) Perpetuation of [bullying or harassing] conduct … by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student. . . ."
  - **Kansas**: Kan. Stat. Ann. §72-8256.C.2 (2009): "'Cyberbullying' means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites."

IV. Enumeration of Specific Characteristics

- Explains that bullying may include, but is not limited to, acts based on actual or perceived characteristics of students who have historically been targets of bullying, and provides examples of such characteristics.
- Makes clear that bullying does not have to be based on any particular characteristic.
- *Examples*:[5]
  - **North Carolina**: N.C. Gen. Stat. §115C-407.15(a) (2010): "Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated

by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics."

- **Washington**: Wash. Rev. Code Ann. §28A.300.285.2 (2010): "Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the…bullying."

V. Development and Implementation of LEA Policies

- Directs every LEA to develop and implement a policy prohibiting bullying, through a collaborative process with all interested stakeholders, including school administrators, staff, students, students' families, and the community, in order to best address local conditions.
- *Example*:
  - **Maryland:** Md. Code Ann., Educ. §7-424.1(c) (2010): "[1] Each county board shall establish a policy prohibiting bullying, harassment, or intimidation. . . . [3] A county board shall develop the policy in consultation with representatives of the following groups: (i) Parents or guardians of students; (ii) School employees and administrators; (iii) School volunteers; (iv) Students; and (v) Members of the community"[6]

VI. Components of LEA Policies

A. Definitions

- Includes a definition of bullying consistent with the definitions specified in state law. *Example*:[7]
  - **Oregon**: Or. Rev. Stat. §339.356.2 (2009): "School districts must include in the policy… (b) Definitions of "harassment," "intimidation," or "bullying," and of "cyberbullying" that are consistent with [this statute]."

B. Reporting Bullying

- Includes a procedure for students, students' families, staff, and others to report incidents of bullying, including a process to submit such information anonymously and with protection from retaliation. The procedure identifies and provides contact information for the appropriate school personnel responsible for receiving the report and investigating the incident.
- *Example:*[8]
  - **Georgia**: GA. Code Ann. §20-2-751.4(c) (2010): "Such … policy shall include: . . . (5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity; (6) A statement prohibiting retaliation following a report of bullying…."
- Requires that school personnel report, in a timely and responsive manner, incidents of bullying they witness or are aware of to a designated official.
- *Example*:[9]

- **Wisconsin**: Wis. Stat. §118.46.1(a) (2009): "The [policy on bullying] shall include all of the following: . . . (6) A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made."

C. Investigating and Responding to Bullying

- Includes a procedure for promptly investigating and responding to any report of an incident of bullying, including immediate intervention strategies for protecting the victim from additional bullying or retaliation, and includes notification to parents of the victim, or reported victim, of bullying and the parents of the alleged perpetrator, and, if appropriate, notification to law enforcement officials. [10]
- *Example*:[11]
  - **Massachusetts**: 2010 Mass. Adv. Legis. Serv. Ch. No. 71.37O(g) (2010): "…Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation."

D. Written Records

- Includes a procedure for maintaining written records of all incidents of bullying and their resolution. [12]
- *Example*:[13]
  - **California**: Cal. Educ. Code §234.1 (2010): "The department shall assess whether local educational agencies have done all of the following: . . . (e) Maintained documentation of complaints and their resolution for a minimum of one review cycle."

E. Sanctions

- Includes a detailed description of a graduated range of consequences and sanctions for bullying. [14]
- *Example*:[15]
  - **Alabama**: Ala. Code §16.28B.5 (2010): "The model policy, at a minimum, shall contain all of the following components: . . . [4] A series of graduated consequences for any student who commits an act of intimidation, harassment, violence or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies."

F. Referrals

- Includes a procedure for referring the victim, perpetrator and others to counseling and mental and other health services, as appropriate.
- *Example*:[16]
  - **Maryland**: Md. Code. Ann., Educ. §7-424.1.b (2010): "[2] The model policy…shall include: . . . (viii) Information about the types of support services available to the student bully, victim, and any bystanders…."

VII. Review of Local Policies

- Includes a provision for the state to review local policies on a regular basis to ensure the goals of the state statute are met.
- *Example*:[17]
  - **Illinois:** 105 Ill. Comp. Stat. Ann. 5/27-23.7(d) (2010): "The policy must be updated every 2 years and filed with the State Board of Education after being updated. The State Board of Education shall monitor the implementation of policies created under [this subsection of the statute]."

VIII. Communication Plan

- Includes a plan for notifying students, students' families, and staff of policies related to bullying, including the consequences for engaging in bullying.
  Example:[18]
  - **Arkansas**: Ark. Code Ann. §6-18-514(b) (2009): "The policies shall: . . . [6] Require that notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in the district; and [7] Require that copies of the notice...be provided to parents, students, school volunteers, and employees."

IX. Training and Preventive Education

- Includes a provision for school districts to provide training for all school staff, including, but not limited to, teachers, aides, support staff, and school bus drivers, on preventing, identifying, and responding to bullying.
- *Example*:[19]
  - **South Carolina**: S.C. Code Ann. §59-63-140(E) (2009): "Information regarding a local school district policy against harassment, intimidation or bullying must be incorporated into a school employee training program. Training also should be provided to school volunteers who have significant contact with students.
  - **Massachusetts**: 2010 Mass. Adv. Legis. Serv. Ch. No. 92.3(d)-2010: "The plan…shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying."
- Encourages school districts to implement age-appropriate school- and community-wide bullying prevention programs.
- *Example*:[20]
  - **South Carolina**: S.C. Code Ann. §59-63-140 (F) (2009): "Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members."

X. Transparency and Monitoring

- Includes a provision for LEAs to report annually to the state on the number of reported bullying incidents, and any responsive actions taken.
- *Example*:[21]

- **New York**: N.Y. Educ. Law §15 (2010): "The Commissioner shall create a procedure under which material incidents of discrimination and harassment on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents. . . ."

- Includes a provision for LEAs to make data regarding bullying incidence publicly available in aggregate with appropriate privacy protections to ensure students are protected.[22]
- *Examples*:[23]
  - **Iowa**: Iowa Code §280.28.7 (2008): "The board of directors of a school district and the authorities in charge of each nonpublic school…shall report data collected…as specified by the department, to the local community."
  - **Ohio**: Ohio Rev. Code Ann. §3313.666.10 (2010): "…the district administration… [shall] provide … a written summary of all reported incidents and post the summary on its website…."

XI. Statement of Rights to Other Legal Recourse

- Includes a statement that the policy does not preclude victims from seeking other legal remedies.
- *Example*:
  - **Oregon**: Or. Rev. Stat. Ann. §339.364 (2009): "Victim may seek redress under other laws. … [This statute] may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying from seeking redress under any other available law, whether civil or criminal."

Endnotes

[1] For additional examples of purpose statements, see: 105 Ill. Comp. Stat. Ann. 5/27-23.7.a (2010); Iowa Code §280.28.1 (2008); Md. Code Ann., Educ. §7-424 (2010); Nev. Rev. Stat. Ann. §388.132 (2009); N.J. Stat. Ann. §18A:37.13 (2010); Or Rev. Stat. §339.353 (2009); Tenn. Code Ann. §49-6-1014 (2010); W. Va. Code Ann. §18-2C-1 (2009).

[2] For additional examples of statements of scope, see: Ark. Code Ann. §6-18-514.2 (2009); Ga. Code Ann. §20-2-751.4 (2010); 105 Ill. Comp. Stat. Ann. 5/27-23.7.a (2010); 2010 Mass. Adv. Legis. Serv. Ch. No. 92-2010 (Lexis Nexis 2010); Md. Code Ann., Educ. §7-424 (2010).

[3] For additional examples of bullying definitions, see: Del. Code Ann. Tit. 14, §4112D.a (2010); Kan. Stat. Ann. §72-8256 (2009); 105 Ill. Comp. Stat. Ann. 5/27-23.7(b) (2010).

[4] For additional examples of cyberbullying definitions, see: Iowa Code §280.28.2 (a) (2008); Md. Code Ann., Educ. §7-424.3 (2010); 2010 Mass. Adv. Legis. Serv. Ch. No. 92-2010 (Lexis Nexis 2010); N.J. Stat. Ann. §18A 37.14.2 (2010); Okla. Stat. Ann. Tit. 70, §24-100.3 (2009).

[5] For additional examples of characteristic enumeration, see: 105 Ill. Comp. Stat. Ann. 5/27-23.7.a (2010); Iowa Code §280.28 (2008); Or Rev. Stat. §339.351.3(2009).

[6] For additional examples of requirements for LEA policies, see: Del. Code Ann. Tit. 14, §4112D.b (2010); Fla. Stat. Ann. 1006.147 (2010); N.J. Stat. Ann. §18A 37.15 (2010).

[7] For additional examples regarding definitions in LEA policies, see: Delaware Del. Code Ann. Tit. 14, §4112D.b (2010); Fla. Stat. Ann. 1006.147 (2010); Iowa Code 280.28.3 (2008); Md. Code Ann., Educ. §7-424.1 (2010); N.J. Stat. Ann. §18A 37.15.b.2 (2010); N.C. Gen. Stat.§115C-407.16.b.2 (2010); S.C. Code Ann. §59-63-140 (2010).

[8] For additional examples regarding requirements procedures for reporting bullying, see: Ariz. Rev. Stat. §14-341 (2010); Fla. Stat. Ann. §1006.147 (2010); Iowa Code §280.28.3.c (2008); Md. Code Ann., Educ. §7-424 (2010); Or Rev. Stat. §339.356.2.g (2009); S.C. Code Ann. §59-63-140 (2010).

[9] For additional examples regarding requirements for reporting of school staff, see: Alaska Stat. §14.33.220 (2010); GA. Code Ann. §20-2-751.4.c.2 (2010); W. Va. Code Ann. §18-2C-3.4 (2009).

[10] The *Family Educational Rights and Privacy Act* (FERPA) contains provisions restricting release of information pertaining to disciplinary actions taken against students. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

[11] For additional examples regarding requirements for investigating and responding to bullying, see: GA. Code Ann. §20-2-751.4.c.3 (2010); Iowa Code §280.28.3.f (2008); Or. Rev. Stat. §339.356.2.h (2009).

[12] FERPA contains provisions regarding the appropriate safeguarding of privacy in educational records. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

[13] For additional examples on requirements for maintaining written records, see: Md. Code Ann., Educ. §7-424 (2010).

[14] The Individuals with Disabilities Education Act contains provisions related to the use of disciplinary measures with students with disabilities. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

[15] For additional examples regarding sanctions, see: Connecticut Gen. Stat. Ann §10-222d; Massachusetts St. 2010, c.92; New Mexico NMAC §6.12.7; Okla. Stat. Ann. Tit. 70, §24-100.4 (2009).

[16] For additional examples regarding referrals, see: Fla. Stat. Ann. §1006.147 (2010); Okla. Stat. Ann. Tit. 70, §24-100.4 (2009).

[17] For additional examples regarding review of policies, see: 24 Pa. Cons. Stat. Ann. §13-1303.1-a (2009).

[18] For additional examples regarding communication plans, see: Del. Code Ann. Tit. 14, §4123.a (2010); Fla. Stat. Ann. §1006.147 (2010); Iowa Code §280.28.3 (2008); N.J. Stat. Ann. §18A 37.15.b.10-11 (2010).

[19] For additional examples regarding training of staff, see: Conn. Gen. Stat. §10-222d (2010); Del. Code Ann. Tit. 14, §4123.a (2010); Iowa Code §280.28.3 (2008); Nev. Rev. Stat. Ann.§383.133 (2009); Or. Rev. Stat. §339.359 (2009); Wyo. Stat. Ann. §21-4-311 (2010).

[20] For additional examples regarding bullying prevention programming, see: Md. Code Ann., Educ. §7-424 (2010); 2010 Mass. Adv. Legis. Serv. Ch. No. 92-2010 (Lexis Nexis 2010); Or. Rev. Stat. §339.359 (2009).

[21] For additional examples regarding reporting incidents to the State, see: Alaska Stat. §14.33.210 (2010); Conn. Gen. Stat. §10-222d (2010); Md. Code Ann., Educ. §7-424 (2010);

[22] FERPA contains provisions regarding the appropriate safeguarding of privacy in educational records. State and local officials are encouraged to seek guidance to make sure any policies comply with these provisions.

[23] For additional examples regarding requirements for reporting data to the public, see: Fla. Stat. Ann. §1006.147 (2010); Iowa Code §280.28 (2008).

Appendix B

Summary of Bullying Legislation, State Statutes, and Model Policies

Summary of Bullying Legislation, State Statutes, and Model Policies

Alabama

Legislative History

Education Code Statutes

2009 Alabama House Bill No. 216, Act No. 2009-571 – *The Alabama Student Harassment Prevention Act*

Alabama Code §16-28B-1 – *Student Harassment Prevention Act.*
Alabama Code §16-28B-2 – Legislative intent.
Alabama Code §16-28B-3 – Definitions.
Alabama Code §16-28B-4 – Prohibited behavior; complaints; school plans or programs.
Alabama Code §16-28B-5 – Model policy.
Alabama Code §16-28B-6 – Duties of schools.
Alabama Code §16-28B-7 – Freedoms of speech and expression.
Alabama Code §16-28B-8 – Implementation of standards and policies.
Alabama Code §16-28B-9 – Adoption of local policies.

Criminal Code Statutes

Alabama Code §13A-11-8 – Harassment or harassing communications.
Alabama Code §16-28B-3 – Definitions.

Consolidated List of Bullying Laws in State Legislative Analysis

Alabama Code §16-28B-1 – *Student Harassment Prevention Act.*
Alabama Code §16-28B-2 – Legislative intent.
Alabama Code §16-28B-3 – Definitions.
Alabama Code §16-28B-4 – Prohibited behavior; complaints; school plans or programs.
Alabama Code §16-28B-5 – Model policy.
Alabama Code §16-28B-6 – Duties of schools.
Alabama Code §16-28B-7 – Freedoms of speech and expression.
Alabama Code §16-28B-8 – Implementation of standards and policies.
Alabama Code §16-28B-9 – Adoption of local policies.

State Model Policies/Guidance Documents

ALSDE Model Anti-Harassment Policy
http://www.alabamaschoolboards.org/PDFs/Harassment%20Policy%20Act%202009.pdf

Alaska

Legislative History

Education Code Statutes

2006 Alaska HB No. 482 – *Harassment, Intimidation, and Bullying Policy*

Alaska Statute §14.33.200 – Harassment, intimidation, and bullying policy.
Alaska Statute §14.33.210 – Reporting of incidents of harassment, intimidation, or bullying.
Alaska Statute §14.33.220 – Reporting; no reprisals.
Alaska Statute §14.33.230 – Immunity from suit.
Alaska Statute §14.33.250 – Definitions.

Criminal Code Statutes

Alaska Statute §11.41.260 – Stalking in the first degree.

Alaska Statute §11.41.270 – Stalking in the second degree.

Consolidated List of Bullying Laws in State Legislative Analysis

Alaska Statute §14.33.200 – Harassment, intimidation, and bullying policy.

Alaska Statute §14.33.210 – Reporting of incidents of harassment, intimidation, or bullying.

Alaska Statute §14.33.220 – Reporting; no reprisals.

Alaska Statute §14.33.230 – Immunity from suit.

Alaska Statute §14.33.250 – Definitions.

State Model Policies/Guidance Documents

School Discipline and Safety - Harassment, Intimidation and Bullying—AR 5030(a), AR 5131.43(a-b), BP 5131.43(a-d), BP 5137
http://www.eed.state.ak.us/tls/SchoolSafety/Docs/PolicySamples.pdf

Sample Issues and Areas to Consider When Developing Local Policies for Harassment, Intimidation, and Bullying
http://www.eed.state.ak.us/tls/SchoolSafety/Sample%20Issues%20and%20Areas.pdf

Arizona

Legislative History

Education Code Statutes

2011 Arizona House Bill No. 2415

Arizona Revised Statute §15-341.37 – Prescribe and enforce policies and procedures.

2005 Arizona House Bill No. 2368

Arizona Revised Statute §15-341.37 – Prescribe and enforce policies and procedures.

Arizona Revised Statute §15-341.38 – General powers and duties; immunity; delegation.

Criminal Code Statutes

2010 Arizona Senate Bill No. 1266

Arizona Revised Statute §8-309 – Unlawful use of an electronic device by a minor.

Consolidated List of Bullying Laws in State Legislative Analysis

Arizona Revised Statute §15-341.38 – General powers and duties; immunity; delegation.

State Model Policies/Guidance Documents

No Model Policy

Arkansas

Legislative History

Education Code Statutes

2011 Arkansas Senate Bill No. 852 – *Act to Clarify Arkansas's Antibullying Policies and Protect Student Dignity*

Arkansas Code Annotated §6-18-514(a) and (b)(1) and (2) –Anti-bullying policies.

2007 Arkansas House Bill No. 1072 – *Act to Define Bullying and Cyberbullying*

Arkansas Code Annotated §6-18-514(a) and (b)(1) and (2) –Anti-bullying policies.

Arkansas Code Annotated §6-18-514(b)(1) –Anti-bullying policies.

Arkansas Code Annotated §6-18-514(2) –Anti-bullying policies.

2005 Arkansas House Bill No. 1708 – *Act to Define Bullying and Cyberbullying*

Arkansas Code Annotated §6-18-514 – Anti-bullying policies.

2003 Arkansas House Bill No. 2274, Act No. 681 – *Require Schools to Adopt Anti-Bullying Policies*

Arkansas Code Annotated §6-18-1005(a)(5) – Student services program defined.

Criminal Code Statutes

Arkansas Code Annotated §5-41-108 – Unlawful computerized communications.

Consolidated List of Bullying Laws in State Legislative Analysis

Arkansas Code Annotated §6-18-514(a) and (b)(1) and (2) – Anti-bullying policies.
Arkansas Code Annotated §6-18-514(b)(1) – Anti-bullying policies.
Arkansas Code Annotated §6-18-514(2) – Anti-bullying policies.
Arkansas Code Annotated §6-18-1005(a)(5) – Student services program defined.

State Model Policies/Guidance Documents

Recommendations for Writing Anti-Bullying Policies
http://arkedu.state.ar.us/commemos/static/fy0203/1698.html

California

Legislative History

Education Code Statutes

2010 California Assembly Bill No. 2791

California Education Code §32280
California Education Code §32281
California Education Code §32282
California Education Code §32282.5
California Education Code §32283
California Education Code §32284
California Education Code §32285
California Education Code §32286
California Education Code §32287
California Education Code §32288
California Education Code §32289

2008 California Assembly Bill No. 86

California Education Code §32261
California Education Code §32265
California Education Code §32270
California Education Code §48900

2006 California Assembly Bill No. 606 – *Safe Place to Learn Act*

California Education Code §234
California Education Code §234.1
California Education Code §234.2
California Education Code §234.3

2003 California Senate Bill No. 719

California Education Code §32260
California Education Code §32261
California Education Code §32262
California Education Code §32265
California Education Code §32270

2003 California Senate Bill No. 257, Chapter 890

California Education Code §32261
California Education Code §32270
California Education Code §32271
California Education Code §32280
California Education Code §32290
California Education Code §35294.2
California Education Code §32295

2001 California Assembly Bill No. 79, Chapter 646

California Education Code §35294.2

1998 California Assembly Bill No. 499

California Education Code §220
California Education Code §220.1

1998 California Senate Bill No. 1751

California Education Code §32275

Criminal Code Statutes

California Penal Code §422.55
California Penal Code §422.56
California Penal Code §422.57

Consolidated List of Bullying Laws in State Legislative Analysis

California Education Code §32261
California Education Code §32262
California Education Code §32265
California Education Code §32270
California Education Code §35294.2
California Education Code §48900

State Model Policies/Guidance Documents

Sample Policy for Bullying Prevention
Sample Policy for Conflict Resolution
http://www.cde.ca.gov/ls/ss/se/samplepolicy.asp

Colorado

Legislative History

Education Code Statutes

2001 Colorado Senate Bill No. 01-080 Policy – *Concerning the Prevention of Bullying*

Colorado Revised Statutes §22-32-109.1 (2) – Community consultation on safe school plan, including conduct and discipline code.

Colorado Revised Statutes §22-32-109.1 Board of Education – specific powers and duties – safe schools.

Criminal Code Statutes

Colorado Revised Statutes §18-3-602 – Stalking.

Colorado Revised Statute §18-9-111 – Harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Colorado Revised Statutes §22-32-109.1 (2) – Community consultation on safe school plan, including conduct and discipline code.

Colorado Revised Statutes §22-32-109.1 – Board of Education – specific powers and duties – safe schools.

State Model Policies/Guidance Documents

Colorado School Violence Prevention and Student Discipline Manual
http://www.coloradoattorneygeneral.gov/sites/default/files/uploads/violence_prevention/svpm2008.pdf

Connecticut

Legislative History

Education Code Statutes

2009 Connecticut Senate Bill No. 1141

Connecticut General Statutes §10-222h – Analysis of bullying policies.

2008 Connecticut Senate Bill No. 5826

Connecticut General Statutes §10-145a – Teacher preparation-bullying training.

Connecticut General Statutes §10-220a – In-service training. Professional development committees.

Connecticut General Statutes §10-222d – Policy on bullying behavior.

Connecticut General Statutes §11-4a – Reporting to state (covered under *Conn. Gen. Stat.* §10-222d)

2006 Connecticut House Bill No. 5563

Connecticut General Statutes §10-15b – Records.

Connecticut General Statutes §10-222d – Policy on bullying behavior.

2002 Connecticut Substitute House Bill No. 5425

Connecticut General Statutes §10-222d – Policy on bullying behavior.

Criminal Code Statutes

Connecticut General Statutes §53a-182b – Harassment.

Connecticut General Statutes §53a-183 – Harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Connecticut General Statutes §10-145a – Teacher preparation-bullying training.

Connecticut General Statutes §10-220a – In-service training. Professional development committees.

Connecticut General Statutes §10-222d – Policy on bullying behavior.

Connecticut General Statutes §10-222h – Prevention or intervention strategy.

State Model Policies/Guidance Documents

Connecticut Asssociation of Boards of Education Sample Policy No. 5131.911(a-e)
http://www.sde.ct.gov/sde/lib/sde/pdf/circ/circ02-03/c20.pdf

Delaware

Legislative History

Education Code Statutes

2007 Delaware House Bill No. 7 – *School Bullying Prevention Act*

Delaware Code Annotated Title 14, §4112D – School bullying prevention.
Delaware Code Annotated Title 14, §4123A – School bullying prevention and criminal youth.

Criminal Code Statutes

Delaware Code Annotated Title 11, §1311 – Harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Delaware Code Annotated Title 14, §4112D – School bullying prevention.
Delaware Code Annotated Title 14, §4123A – School bullying prevention and criminal youth.
Delaware 14:601

State Model Policies/Guidance Documents

Delaware's Model Bully Prevention Policy
http://www.doe.k12.de.us/infosuites/students_family/climate/files/bully%20prevention%20policy%20template.pdf

Florida

Legislative History

Education Code Statutes

2008 Florida House Bill No. 669 – *Jeffrey Johnston Stand Up for All Students Act*

Florida Statutes Annotated §1006.07 – District school board duties relating to student discipline and school safety.

2007 Florida Senate Bill No. 114 – *An Act Relating to School Safety*

Florida Statutes Annotated §1006.147 – Bullying and harassment prohibited.

Criminal Code Statutes

Florida Statutes Annotated §784.048 – Stalking, definitions, penalties.

Consolidated List of Bullying Laws in State Legislative Analysis

Florida Statutes Annotated §1006.07 – District school board duties relating to student discipline and school safety.
Florida Statutes Annotated §1006.147 – Bullying and harassment prohibited.

State Model Policies/Guidance Documents

Florida Department of Education Model Policy Against Bullying and Harassment
http://www.fldoe.org/safeschools/doc/modelpolicy.doc

Georgia

Legislative History

Education Code Statutes

2010 Georgia Senate Bill No. 250

Georgia Code Annotated §20-2-751.4 –Policies prohibiting bullying; assignment to alternative school; notice.

Georgia Code Annotated §20-2-1181 – Disrupting public school penalty.

2009 Georgia House Bill No. 84, Chapter 282 – *1999 Georgia Laws Policy from Department of Education*

Georgia Code Annotated §20-2-751.4 – Policies prohibiting bullying; assignment to alternative school; notice.

Georgia Code Annotated §20-2-751.5 – Policies prohibiting bullying; assignment to alternative school; notice.

2004 Georgia State Board of Education Administrative Rule No. 160-4-8-.15 – *Student Discipline*

2002 Georgia Senate Bill No. 291

Georgia Code Annotated §20-2-751.5 – Student codes of conduct; safety rules on school buses; distribution.

Georgia Code Annotated §20-2-751.6 – Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.

Georgia Code Annotated §20-2-759 – Policies prohibiting bullying; assignment to alternative school; notice.

1999 Georgia House Bill No. 84

Georgia Code Annotated §20-2-145 – Character education.

Georgia Code Annotated §20-2-751.4 – Policies prohibiting bullying; assignment to alternative school; notice.

Georgia Code Annotated §20-8-5 – Law enforcement powers of school security personnel in each public school system of the state; certification; carrying of firearms or weapons.

Criminal Code Statutes

Georgia Code 16-11-127.1 – Weapons definition.

Consolidated List of Bullying Laws in State Legislative Analysis

Georgia Code Annotated §20-2-145 – Character education.

Georgia Code Annotated §20-2-751.4 – Policies prohibiting bullying; assignment to alternative school; notice.

Georgia Code Annotated §20-2-751.5 – Student codes of conduct; safety rules on school buses; distribution.

Georgia Code Annotated §20-2-751.6 – Disciplinary policy for students committing acts of physical violence against teacher, school bus driver, or other school official or employee.

Georgia Code Annotated §20-2-1181 – Disrupting public school penalty.

Georgia State Board of Education Administrative Rule No. 160-4-8-.15 – Student Discipline

State Model Policies/Guidance Documents

Policy for Prohibiting Bullying, Harassment and Intimidation

http://public.doe.k12.ga.us/DMGetDocument.aspx/GaDOE%20Bullying%20Policy_March%202011.pdf?p=6CC6799F8C1371F6396BF6C5C6239F136E50A26DD7EAEDF85CAE123079D2FE5F&Type=D

Hawaii

Legislative History

Administrative Rule

Hawaii State Board of Education Administrative Rule §8-19

State Model Policies/Guidance Documents

Recommendations for Addressing Harassment in Hawaii Public Schools

http://doe.k12.hi.us/harassment/080306harassment_sscac.pdf

Hawaii State Board of Education Administrative Rule §8-19

http://www.spinhawaii.org/sap/Ch.19.BOE.r.pdf

Idaho

Legislative History

Education Code Statutes

2010 Idaho House Bill No. 636 Chapter No. 181

Idaho Code §33-131 – Internet use policy required.

2006 Idaho House Bill No. 750aa as Amended – *Jared's Law*

Idaho Code §18-917a – Student harassment, intimidation, bullying.
Idaho Code §33-205 –Denial of school attendance.
Idaho Code §33-512 –Governance of schools.
Idaho State Board of Education Administrative Rule §08.02.03.160 – Safe environment and discipline.

Criminal Code Statutes

Idaho Code §18-7095 – Stalking in the first degree.
Idaho Code §19-7906 – Stalking in the second degree.

Consolidated List of Bullying Laws in State Legislative Analysis

Idaho Code §18-917a – Student harassment, intimidation, bullying.
Idaho Code §33-131 – Internet use policy required.
Idaho Code §33-205 – Denial of school attendance.
Idaho Code §33-512 – Governance of schools.
State Board of Education Administrative Rule §08.02.03.160 – Safe environment and discipline.

State Model Policies/Guidance Documents

Idaho School Violence/Safety Policies/Procedures Manual
http://www.sde.idaho.gov/site/safe_drugfree/docs/pub_docs/Section2.pdf

Illinois

Legislative History

Education Code Statutes

2010 Illinois Senate Bill No. 3266

105 Illinois Compiled Statutes §5/10-20.14 – Amends student discipline policies.
105 Illinois Compiled Statutes §5/27-23.7 – Amends bullying prevention.
105 Illinois Compiled Statutes §5/27-23.9 – Bullying prevention task force.
30 Illinois Compiled Statutes §805/8.34 – No reimbursement from the state.

2010 Illinois House Bill No. 6391

105 Illinois Compiled Statutes §5/27-13.3 – Internet safety education curriculum.

2006 Illinois Senate Bill No. 2630

105 Illinois Compiled Statutes §5/27-23.7 – Bullying prevention.

2001 Illinois Senate Bill No. 1026

105 Illinois Compiled Statutes §5/22-12 – Preventing or interfering with a child's attendance at school.

2001 Illinois House Bill No. 646

105 Illinois Compiled Statutes §5/10-20.14 – Student discipline policies.

Criminal Code Statutes

720 Illinois Compiled Statutes §5/12-7.5 – Cyberstalking.
720 Illinois Compiled Statutes §21/10 – Definition (stalking).
720 Illinois Compiled Statutes §135/1-2 – Harassment through electronic communications.
720 Illinois Compiled Statutes §135/1-3 – Evidence inference (harassment).
720 Illinois Compiled Statutes §135/2 – Sentence (harassment).

Consolidated List of Bullying Laws in State Legislative Analysis

105 Illinois Compiled Statutes §5/10-20.14 – Student discipline policies.
105 Illinois Compiled Statutes §5/22-12 – Preventing or interfering with attendance.
105 Illinois Compiled Statutes §5/27-13.3 – Internet safety education curriculum.
105 Illinois Compiled Statutes §5/27-23.7 – Amends bullying prevention.
105 Illinois Compiled Statutes §5/27-23.9 – Bullying prevention task force.
30 Illinois Compiled Statutes §805/8.34 – No reimbursement from the state.

State Model Policies/Guidance Documents

No Model Policy

Indiana

Legislative History

Education Code Statutes

2010 Indiana House Bill No. 1276

Indiana Code Annotated §20-33-8-0.2 – Bullying.

2005 Indiana Senate Enrolled Act No. 285

Indiana Code Annotated §5-2-10.1-2 – Purpose and composition of fund; grant priorities and amounts.
Indiana Code Annotated §5-2-10.1-11 – School safety specialist training and certification program.
Indiana Code Annotated §5-2-10.1-12 – Safe school committees; school plans; copies of floor plans to law enforcement agency and fire department.
Indiana Code Annotated §20-8.1-5.1-0.2 –Definition.
Indiana Code Annotated §20-8.1-5.1-7.7 – Discipline rules.
Indiana Code Annotated §20-10.2-3 – Strategic and continuous school improvement and achievement plan.
Indiana Code Annotated §20-33-8-0.2 – Bullying.

Criminal Code Statutes

Indiana Code Annotated §35-45-2-2 – Harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Indiana Code Annotated §5-2-10.1-2 – Purpose and composition of fund; grant priorities and amounts.
Indiana Code Annotated §5-2-10.1-11 – School safety specialist training and certification program.
Indiana Code Annotated §5-2-10.1-12 – Safe school committees; school plans; copies of floor plans to law enforcement agency and fire department.
Indiana Code Annotated §20-8.1-5.1-0.2 – Definition.
Indiana Code Annotated §20-8.1-5.1-7.7 – Discipline rules.
Indiana Code Annotated §20-10.2-3 – Strategic and continuous school improvement and achievement plan.
Indiana Code Annotated §20-33-8-0.2 – Bullying.
Indiana Code Annotated §20-33-8-13.5 – Discipline rules prohibiting bullying required Sec. 13.5.

State Model Policies/Guidance Documents

No Model Policy

Iowa

Legislative History

Education Code Statutes

2007 Iowa Senate File No. 61

Iowa Code §280.12 – School improvement advisory committee.

Iowa Code §280.28 –Harassment or bullying prevention goals, programs, training, and other initiatives.

Criminal Code Statutes

Iowa Code §708.7 – Harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Iowa Code §280.12 – School improvement advisory committee.

Iowa Code §280.28 – Harassment or bullying prevention goals, programs, training, and other initiatives.

State Model Policies/Guidance Documents

Sampl Anti-Bullying/Harassment Policy

http://educateiowa.gov/index.php?option=com_content&task=view&id=1030&Itemid=1293

Kansas

Legislative History

Education Code Statutes

2008 Kansas House Bill No. 2758

Kansas Statutes Annotated §72-8256 – Bullying, school district policies.

2007 Kansas House Bill No. 2310

Criminal Code Statutes

Kansas Statutes Annotated §21-3438 – Stalking.

Consolidated List of Bullying Laws in State Legislative Analysis

Kansas Statutes Annotated §72-8256 – Bullying, school district policies.

State Model Policies/Guidance Documents

No Model Policy

Kentucky

Legislative History

Education Code Statutes

2008 Kentucky House Bill No. 91, Chapter No. 125 – *The Golden Rule Act*

Kentucky Revised Statutes Annotated §158.148 – Student discipline guidelines and model policy.

Kentucky Revised Statutes Annotated §158.150 – Suspension or expulsion of pupils.

Kentucky Revised Statutes Annotated §158.440 – Legislative findings on school safety and order.

Kentucky Revised Statutes Annotated §158.441 – Definitions for chapter.

Kentucky Revised Statutes Annotated §158.444 – Administrative regulation relating to school safety – role of department of education to maintain statewide data collection system – reportable incidents – annual statistical reports – confidentiality.

Criminal Code Statutes

Kentucky Revised Statutes Annotated §525.070 – Harassment.

Kentucky Revised Statutes Annotated §525.080 – Harassing communications.

Consolidated List of Bullying Laws in State Legislative Analysis

Kentucky Revised Statutes Annotated §158.148 – Student discipline guidelines and model policy.

Kentucky Revised Statutes Annotated §158.150 – Suspension or expulsion of pupils.

Kentucky Revised Statutes Annotated §158.440 – Legislative findings on school safety and order.

Kentucky Revised Statutes Annotated §158.441 – Definitions for chapter.

Kentucky Revised Statutes Annotated §158.444 – Administrative regulation relating to school safety – role of department of education to maintain statewide data collection system – reportable incidents – annual statistical reports – confidentiality.

Kentucky Revised Statutes Annotated §525.070 – Harassment.

Kentucky Revised Statutes Annotated §525.080 – Harassing communications.

State Model Policies/Guidance Documents

Model Policies Related to Issues Found in KRS §158.156

http://www.education.ky.gov/NR/rdonlyres/A644E9E5-6E49-46F1-92F0-703F97091434/0/HB91ModelPolicyFinal.pdf

Louisiana

Legislative History

Education Code Statutes

2010 Louisiana House Bill No. 1259, Act No. 989 – *Cyberbullying*

Louisiana Revised Statutes Annotated §14:40.7 – Cyberbullying.

Children's Code Article 730(11) – Grounds.

2010 Louisiana House Bill No. 1458, Act No. 755

Louisiana Revised Statutes Annotated §17:416.13(A) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

Louisiana Revised Statutes Annotated §17:416.13(B) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

Louisiana Revised Statutes Annotated §17:416.13(C) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

Louisiana Revised Statutes Annotated §17:416.13(D) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

2010 Louisiana Senate Bill No. 568

Louisiana Revised Statutes Annotated §17:53(A) – Training for school board members.

Louisiana Revised Statutes Annotated §17:53(B) – Training for school board members.

2001 Louisiana House Bill No. 364, Act No. 230

Criminal Code Statutes

Louisiana Revised Statutes Annotated §14:40.2 – Stalking.

Louisiana Revised Statutes Annotated §14:40.3 – Cyberstalking.

Louisiana Revised Statutes Annotated §14:40.7 – Cyberbullying.

Consolidated List of Bullying Laws in State Legislative Analysis

Louisiana Revised Statutes Annotated §17:416.13(A) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

Louisiana Revised Statutes Annotated §17:416.13(B) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

Louisiana Revised Statutes Annotated §17:416.13(C) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

Louisiana Revised Statutes Annotated §17:416.13(D) – Student code of conduct requirement; harassment, intimidation, and bullying; prohibition; exemptions.

Louisiana Revised Statutes Annotated §14:40.7 – Cyberbullying.

Children's Code Article 730(11) – Grounds.
Louisiana Revised Statutes Annotated §17:53(A) – Training for school board members.
Louisiana Revised Statutes Annotated §17:53(B) – Training for school board members.

State Model Policies/Guidance Documents

Harassment, Intimidation, Bullying, and Cyberbullying Behavior Checklist
(The Louisiana Department of Education does not currently publish this document online in the public domain, and it is available by request.)

Maine

Legislative History

Education Code Statutes

2005 Legislative Document No. 564, House Paper No. 419 – *An Act to Amend the Laws Governing the Student Code of Conduct*
Maine Revised Statute Annotated Title 20-A, §1001.15H – Adoption of student code of conduct.

State Model Policies/Guidance Documents

Maine School Management Association Sample Policy
http://www.maine.gov/education/bullyingprevention/samplepolicy.html

Maryland

Legislative History

Education Code Statutes

2008 Maryland House Bill No. 199 – *Bullying, Harassment, and Intimidation - Policy and Disciplinary Standards*
Maryland Code Annotated, Education §7-424– Reporting incidents of harassment or intimidation against students.
Maryland Code Annotated, Education §7-424.1 – Model policy prohibiting bullying, harassment and intimidation.

2008 Maryland House Bill No. 1158
Maryland Code Annotated, Education §7-424 – Reporting incidents of harassment or intimidation against students.

2008 Maryland House Bill No. 1209
Maryland Code Annotated, Education §7-424 – Reporting incidents of harassment or intimidation against students.

2005 Maryland House Bill No. 407 – *Safe School Reporting Act of 2005*
Maryland Code Annotated, Education §7-424 – Reporting incidents of harassment or intimidation against students.

2003 Code of Maryland State Board of Education Regulation §13A.01.04.03 – *School Safety*

Criminal Code Statutes

Maryland Code Annotated, Criminal §3-805 – Misuse of electronic mail.

Consolidated List of Bullying Laws in State Legislative Analysis

Maryland Code Annotated, Education §7-424 – Reporting incidents of harassment or intimidation against students.
Maryland Code Annotated, Education §7-424.1 – Model policy prohibiting bullying, harassment and intimidation.
Maryland Code Annotated, Criminal §3-805 – Misuse of electronic mail.
Code of Maryland State Board of Education Regulation §13A.01.04.03 – School Safety

State Model Policies/Guidance Documents

Maryland's Model Policy to Address Bullying, Harassment, or Intimidation
http://www.marylandpublicschools.org/NR/rdonlyres/0700B064-C2B3-41FC-A6CF-D3DAE4969707/19401/ModelBullyingPolicyDRAFT102108.pdf

Massachusetts

Legislative History

Education Code Statutes

2010 **Senate Bill No. 2404, Chapter 92 of the Acts of 2010** – ***Bullying in Schools Act***

Massachusetts General Laws Chapter §69 Section 1D – The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.
Massachusetts General Laws Chapter §71 Section 18 – Evening schools.
Massachusetts General Laws Chapter §71, Section 37H – Policies relative to conduct of teachers or students; student handbooks.
Massachusetts General Laws Chapter §71, Section 37O – Definitions.
Massachusetts General Laws Chapter §71 Section 93 – Policy regarding internet safety measures for schools providing computer access to students.
Massachusetts General Laws Chapter §71B – Children with special needs.

Criminal Code Statutes

Massachusetts General Laws Chapter 265 Section 43 – Stalking; punishment.
Massachusetts General Laws Chapter §265 Section 43A – Criminal harassment; punishment.
Massachusetts General Laws Chapter §268 Section 13B – Intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings.
Massachusetts General Laws Chapter §269 Section 14A – Annoying telephone calls.

2010 House Bill No. 4459, Chapter 97 of the Acts of 2010 – ***An Act Relative to Bullying in Schools***

General Laws Chapter §69 Section 1D – The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.

Consolidated List of Bullying Laws in State Legislative Analysis

Massachusetts General Laws Chapter §69 Section 1D – The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.
Massachusetts General Laws Chapter §71 Section 18 – Evening schools.
Massachusetts General Laws Chapter §71, Section 37H – Policies relative to conduct of teachers or students; student handbooks.
Massachusetts General Laws Chapter §71, Section 37O – Definitions.
Massachusetts General Laws Chapter §71 Section 93 – Policy regarding internet safety measures for schools providing computer access to students.
Massachusetts General Laws Chapter §71B – Children with special needs.
Massachusetts General Laws Chapter 265 Section 43 – Stalking; punishment.
Massachusetts General Laws Chapter §265 Section 43A – Criminal harassment; punishment.
Massachusetts General Laws Chapter §268 Section 13B – Intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings.
Massachusetts General Laws Chapter §269 Section 14A – Annoying telephone calls.

State Model Policies/Guidance Documents

Model Bullying Prevention and Intervention Plan
http://www.doe.mass.edu/bullying/#1

Michigan

Legislative History

No State Legislation

State Model Policies/Guidance Documents

Model Anti-Bullying Policy

http://www.michigan.gov/documents/mde/SBE_Model_Anti-bullying_Policy_Revised_9.8_172355_7.pdf

Minnesota

Legislative History

Education Code Statutes

2007 Minnesota Senate Bill No. 646 – *School Board Policy, Prohibiting Intimidation and Bullying* (same as House File No. 504)

Minnesota Statutes §121A.0695 – School board policy, electronic.

2005 Minnesota House File No. 141

Minnesota Statutes §121A.03 – Model policy.

Criminal Code Statutes

Minnesota Statutes §609.749 – Stalking; penalties.

Minnesota Statutes §609.795 – Letter, telegram, or package; opening; harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Minnesota Statutes §121A.0695 – Prohibiting intimidation and bullying.

State Model Policies/Guidance Documents

No Model Policy

Mississippi

Legislative History

Education Code Statutes

2010 Mississippi Senate Bill No. 2015 – *Bullying and Harassing Behavior in Public Schools*

Mississippi Code §37-11-67 – Bullying or harassing behavior in public schools prohibited.

Mississippi Code §37-11-69 – Discipline policies against bullying or harassing behavior.

2007 Mississippi Senate Bill No. 2324 – *Conflict Resolution and Peer Mediation Models in Public Schools*

Mississippi Code §37-11-20 – Intimidation, threatening or coercion of students for purpose of interfering with attendance.

Mississippi Code §37-11-54 – State Board of Education to develop list of conflict resolution and peer mediation materials.

2001 Mississippi Senate Bill No. 2390 – *Conflict Resolution and Peer Mediation*

Mississippi Code §37-11-54 – State Board of Education to develop list of conflict resolution and peer mediation materials.

Criminal Code Statutes

Mississippi Code §97-3-107 – Stalking.

Mississippi Code §97-29-45 – Obscene electronic communications.

Mississippi Code §97-45-17 – Posting of messages through electronic media.

Consolidated List of Bullying Laws in State Legislative Analysis

Mississippi Code §37-11-20 – Intimidation, threatening or coercion of students for purpose of interfering with attendance.

Mississippi Code §37-11-54 – State Board of Education to develop list of conflict resolution and peer mediation materials.

Mississippi Code §37-11-67 – Bullying or harassing behavior in public schools prohibited.

Mississippi Code §37-11-69 – Discipline policies against bullying or harassing behavior.

State Model Policies/Guidance Documents

Mississippi School Safety Manual, School Safety Law and Policy Development
http://www.mde.k12.ms.us/lead/osos/SchoolSafetyManual2005.pdf

Missouri

Legislative History

Education Code Statutes

2010 Missouri House Bill No. 1543

Missouri Revised Statutes §160.775 – Anti-Bullying policy requirements.

2008 Missouri Senate Bill No. 818

Missouri Revised Statutes §160.261.1 – Discipline, written policy established by local boards of education.
Missouri Revised Statutes §565.225.1 – Definitions of stalking.
Missouri Revised Statutes §565.090.1 – Definitions of harassment.

2006 Missouri Senate Bill No. 894

Missouri Revised Statutes §160.775 – Anti-bullying policy required, definition, requirements.

1996 Missouri House Bill No. 1301, Missouri House Bill No. 1298, Missouri Senate Bill No. 944 – *Safe Schools Act*

Missouri Revised Statutes §167.117 – Principal, teachers, school employees to report certain acts.

Consolidated List of Bullying Laws in State Legislative Analysis

Missouri Revised Statutes §160.261 – Discipline, written policy established by local boards of education.
Missouri Revised Statutes §160.775 – Anti-bullying policy required, definition, requirements.
Missouri Revised Statutes §167.117 – Principal, teachers, school employees to report certain acts.

State Model Policies/Guidance Documents

Prohibition Against Illegal Discrimination and Harassment
Hazing and Bullying
(The Missouri School Boards' Association does not currently publish these documents online in the public domain, and they are available by request.)

Montana

Legislative History

No State Legislation

State Model Policies/Guidance Documents

Hazing/Harassment/ Intimidation/Bullying/Menacing Policy No. 3226
http://opi.mt.gov/pdf/safeschools/BullyingPolicy.pdf (Pages 6 and 7)
Model Policy for School Districts on Harassment, Intimidation, and Bullying
http://www.opi.mt.gov/pdf/safeschools/ModelBullyingPolicy.pdf

Nebraska

Legislative History

Education Code Statutes

2010 **Nebraska Legislative Bill No. 861**

Nebraska Revised Statutes §79-267 – Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

2008 **Nebraska Legislative Bill No. 205**

Nebraska Revised Statutes §79-2,137 – School district; development and adoption of bullying prevention and education policy; review.

Consolidated List of Bullying Laws in State Legislative Analysis

Nebraska Revised Statutes §79-267 – Student conduct constituting grounds for long-term suspension, expulsion, or mandatory reassignment; enumerated; alternatives for truant or tardy students.

Nebraska Revised Statutes §79-2,137 – School district; development and adoption of bullying prevention and education policy; review.

State Model Policies/Guidance Documents

Board Policy: Anti-Bullying
http://www.education.ne.gov/StateBoard/General_Education_Policy_Statements_Index/G11_2003.pdf

Nebraska State Board of Education Policy: Anti-Bullying
http://www.education.ne.gov/safety/Docs/Bully_Policy.pdf

Nebraska Department of Education Implementation Plan To Address Bullying In Schools
http://www.education.ne.gov/safety/Docs/BullyingImplementationPlan.pdf

Considerations for Policy Development
http://www.education.ne.gov/safety/Bullying_Prevention/Bullying_Prevention_Policy_Dev.html

Program Development
http:// www.education.ne.gov/safety/Bullying_Prevention/Bullying_Prevention_Program_Development.html

Staff Development
http://www.education.ne.gov/safety/Bullying_Prevention/Bullying_Prevention_Staff_Dev.html

Parent Information
http://www.education.ne.gov/safety/Bullying_Prevention/Bullying_Prevention_Parent_Information.html

Nevada

Legislative History

Education Code Statutes

2009 Nevada Assembly Bill No. 163

Nevada Revised Statutes Annotated §388.121 – Definitions.

Nevada Revised Statutes Annotated §388.122 – "Bullying" defined.

Nevada Revised Statutes Annotated §388.123 – "Cyberbullying" defined.

Nevada Revised Statutes Annotated §388.124 – "Electronic communication" defined.

Nevada Revised Statutes Annotated §388.125 – "Harassment" defined.

Nevada Revised Statutes Annotated §388.129 – "Intimidation" defined.

Nevada Revised Statutes Annotated §388.132 – Legislative declaration concerning safe and respectful learning environment.

Nevada Revised Statutes Annotated §388.133 – Policy by Department concerning safe and respectful learning environment.

Nevada Revised Statutes Annotated §388.134 – Adoption of policy by school districts for provision of safe and respectful learning environment; training to school personnel, and annual report of violations.

Nevada Revised Statutes Annotated §388.135 – Bullying, cyberbullying, harassment and intimidation prohibited.

Nevada Revised Statutes Annotated §388.136 – School officials prohibited from interfering with disclosure of violations.

Nevada Revised Statutes Annotated §388.137 – Immunity for reporting of violations; exceptions.

Nevada Revised Statutes Annotated §389.520 – Policy for the ethical, safe and secure use of computers and other electronic devices.
Nevada Revised Statutes Annotated §392.915 – Cyberbullying.

2005 Nevada Assembly Bill No. 202

Nevada Revised Statutes Annotated §388.121 – Definitions.
Nevada Revised Statutes Annotated §388.132 – Legislative declaration concerning safe and respectful learning environment.
Nevada Revised Statutes Annotated §388.139 – Text of certain provisions required to be included in rules of behavior.

2003 Nevada Senate Bill No. 1

Nevada Revised Statutes Annotated §392.463 – Adoption of plan to ensure public schools are safe and free of controlled substances; written rules of behavior and punishments; distribution of plan and rules to pupils; availability for inspection.

2001 Nevada Assembly Bill No. 459

Criminal Code Statutes

Nevada Revised Statutes Annotated §200.575 – Stalking.

Consolidated List of Bullying Laws in State Legislative Analysis

Nevada Revised Statutes Annotated §388.121 – Definitions.
Nevada Revised Statutes Annotated §388.122 – "Bullying" defined.
Nevada Revised Statutes Annotated §388.123 – "Cyberbullying" defined.
Nevada Revised Statutes Annotated §388.124 – "Electronic communication" defined.
Nevada Revised Statutes Annotated §388.125 – "Harassment" defined.
Nevada Revised Statutes Annotated §388.129 – "Intimidation" defined.
Nevada Revised Statutes Annotated §388.132 – Legislative declaration concerning safe and respectful learning environment.
Nevada Revised Statutes Annotated §388.133 – Policy by Department concerning safe and respectful learning environment.
Nevada Revised Statute Annotated §388.134 – Adoption of policy by school districts for provision of safe and respectful learning environment; training to school personnel, and annual report of violations.
Nevada Revised Statutes Annotated §388.135 – Bullying, cyberbullying, harassment and intimidation prohibited.
Nevada Revised Statutes Annotated §388.136 – School officials prohibited from interfering with disclosure of violations.
Nevada Revised Statutes Annotated §388.137 – Immunity for reporting of violations; exceptions.
Nevada Revised Statutes Annotated §388.139 – Text of certain provisions required to be included in rules of behavior.
Nevada Revised Statutes Annotated §389.520 – Policy for the ethical, safe and secure use of computers and other electronic devices.
Nevada Revised Statutes Annotated §392.915 – Cyberbullying.

State Model Policies/Guidance Documents

Nevada Department of Education Model School District Policy
Safe and Respectful Learning Environment (SRLE)
(The Nevada Department of Education does not currently publish this document online in the public domain, and it is available by request.)

New Hampshire

Legislative History

Education Code Statutes

2010 New Hampshire House Bill No. 1523 –*Pupil Safety and Violence Prevention Act*

New Hampshire Revised Statutes Annotated §193-D:9 – Liability for reporting.
New Hampshire Revised Statutes Annotated §193-F:1 – Title.
New Hampshire Revised Statutes Annotated §193-F:2 – Purpose and intent.

New Hampshire Revised Statutes Annotated §193-F:3 – Definitions.
New Hampshire Revised Statutes Annotated §193-F:4 – Pupil safety and violence prevention.
New Hampshire Revised Statutes Annotated §193-F:5 – Training and assessment.
New Hampshire Revised Statutes Annotated §193-F:6 – Reporting.
New Hampshire Revised Statutes Annotated §193-F:7 – Immunity.
New Hampshire Revised Statutes Annotated §193-F:8 – School district discrimination or harassment policies.
New Hampshire Revised Statutes Annotated §193-F:9 – Private right of action not permitted.
New Hampshire Revised Statutes Annotated §193-F:10 – Public academies.

2005 New Hampshire Board of Education Rule No. Ed 306.04 – *Policy Development*

2004 New Hampshire House Bill No. 1162 –*Pupil Safety and Violence Prevention Act*

New Hampshire Revised Statutes Annotated §193-F:3 – Definitions.

2002 New Hampshire Senate Bill No. 155

New Hampshire Revised Statutes Annotated §193-F:5 – Training and assessment.

2000 New Hampshire Senate Bill No. 360 – *Pupil Safety and Violence Prevention Act*

New Hampshire Revised Statutes Annotated §190:2 – Interception and disclosure of telecommunication or oral communications prohibited.
New Hampshire Revised Statutes Annotated §193-F:1 – Title.
New Hampshire Revised Statutes Annotated §193-F:2 – Purpose and intent.
New Hampshire Revised Statutes Annotated §193-F:3 – Definitions.
New Hampshire Revised Statutes Annotated §193-F:4 – Pupil safety and violence Prevention.

Criminal Code Statutes

New Hampshire Revised Statutes §644:4 – Harassment

Consolidated List of Bullying Laws in State Legislative Analysis

New Hampshire Revised Statutes Annotated §193-D:9 – Liability for reporting
New Hampshire Revised Statutes Annotated §193-F:1 – Title.
New Hampshire Revised Statutes Annotated §193-F:2 – Purpose and intent.
New Hampshire Revised Statutes Annotated §193-F:3 – Definitions.
New Hampshire Revised Statutes Annotated §193-F:4 – Pupil safety and violence prevention.
New Hampshire Revised Statutes Annotated §193-F:5 – Training and assessment.
New Hampshire Revised Statutes Annotated §193-F:6 – Reporting.
New Hampshire Revised Statutes Annotated §193-F:7 – Immunity.
New Hampshire Revised Statutes Annotated §193-F:8 – School district discrimination or harassment policies.
New Hampshire Revised Statutes Annotated §193-F:9 – Private right of action not permitted.
New Hampshire Revised Statutes Annotated §193-F:10 – Public Academies.
State Board of Education Rule §306.04 – Policy development.

State Model Policies/Guidance Documents

New Hampshire School Boards Association Sample Policy JICK Pupil Safety and Violence Prevention – Bullying
http://www.moultonborough.k12.nh.us/Draft_Bullying_Policy.pdf

New Jersey

Legislative History

Education Code Statutes

2011 **New Jersey Assembly Bill No. 3466, Chapter No. 122 – *Anti-Bullying Bill of Rights Act***

New Jersey Statutes Annotated §18A:37-14 – Harassment and bullying prevention strategies.
New Jersey Statutes Annotated §18A:37-15 – Adoption of policy concerning harassment, intimidation, or bullying.
New Jersey Statutes Annotated §18A:37-15.1 – Electronic communication and harassment and bullying prevention.

2007 **New Jersey Assembly Bill No. 3803 – *Harassment and Bullying Prevention*** (same as Senate Bill No. 993)

New Jersey Statutes Annotated §18A:37-14 – Definitions relative to adoption of harassment and bullying prevention policies.

Criminal Code Statutes

New Jersey Statutes Annotated §2C:12-10 – Definitions; stalking designated as a crime.
New Jersey Statutes Annotated §2C:12-10.1 – Conviction for stalking, permanent restraining order.

Consolidated List of Bullying Laws in State Legislative Analysis

New Jersey Statutes Annotated §18A:37-14 – Harassment and bullying prevention strategies.
New Jersey Statutes Annotated §18A:37-15 – Adoption of policy concerning harassment, intimidation, or bullying.
New Jersey Statutes Annotated §18A:37-15.1 – Electronic communication and harassment and bullying prevention.

State Model Policies/Guidance Documents

Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses
http://www.state.nj.us/education/parents/bully.htm

New Mexico

Legislative History

Education Code Statutes

2011 **New Mexico Senate Bill No. 78**

New Mexico Education Code §22-2-21. – Bullying prevention programs

2006 **New Mexico Department of Public Education Rule Title 6, Chap. 12, Part 7 – *Bullying Prevention***

New Mexico Administrative Code §6.12.7.1 – Issuing agency
New Mexico Administrative Code §6.12.7.2 – Scope
New Mexico Administrative Code §6.12.7.3 – Statutory authority
New Mexico Administrative Code §6.12.7.4 – Duration
New Mexico Administrative Code §6.12.7.5 – Effective date
New Mexico Administrative Code §6.12.7.6 – Objective
New Mexico Administrative Code §6.12.7.7 – Definitions
New Mexico Administrative Code §6.12.7.8 – Requirements

Criminal Code Statutes

New Mexico Code §30-3A-3 – Stalking.

Consolidated List of Bullying Laws in State Legislative Analysis

New Mexico Education Code §22-2-21. – Bullying prevention programs
New Mexico Administrative Code §6.12.7.1 – Issuing agency
New Mexico Administrative Code §6.12.7.2 – Scope

New Mexico Administrative Code §6.12.7.3 – Statutory authority
New Mexico Administrative Code §6.12.7.4 – Duration
New Mexico Administrative Code §6.12.7.5 – Effective date
New Mexico Administrative Code §6.12.7.6 – Objective
New Mexico Administrative Code §6.12.7.7 – Definitions
New Mexico Administrative Code §6.12.7.8 – Requirements

State Model Policies/Guidance Documents

School District Anti-Bullying Policy Guidance Document, School District Anti-Bullying Policy Sample
http://www.ped.state.nm.us/sfsb/tools/dl10/Anti%20Bullying%20Policy%20Guidance%20Document.pdf

New York

Legislative History

Education Code Statutes

2010 New York Law Article No. 55, §2801-a – *School Safety Plans*
2010 New York Assembly Bill No. 3661 – *Dignity for All Students Act 1987B*
New York Education Law §10 – Legislative intent.
New York Education Law §11 – Definitions.
New York Education Law §12 – Discrimination and harassment prohibited.
New York Education Law §13 – Policies and guidelines.
New York Education Law §14 – Commissioner's responsibilities.
New York Education Law §15 – Reporting by commissioner.
New York Education Law §16 – Protection of people who report discrimination or harassment.
New York Education Law §17 – Application.
New York Education Law §18 – Severability and construction.
2008 New York Senate Bill No. 7051
New York Education Law §814 – Courses of study in internet safety.

Criminal Code Statutes

New York Penal Law §240.30 – Aggravated harassment in the second degree.

Consolidated List of Bullying Laws in State Legislative Analysis

New York Law Article No. 55, §2801-a – School safety plans.
New York Education Law §10 – Legislative intent.
New York Education Law §11 – Definitions.
New York Education Law §12 – Discrimination and harassment prohibited.
New York Education Law §13 – Policies and guidelines.
New York Education Law §14 – Commissioner's responsibilities.
New York Education Law §15 – Reporting by commissioner.
New York Education Law §16 – Protection of people who report discrimination or harassment.
New York Education Law §17 – Application.
New York Education Law §18 – Severability and construction.
New York Education Law §814 – Courses of study in internet safety.
New York Penal Law §240.30 – Aggravated harassment in the second degree.

State Model Policies/Guidance Documents

Guidance on Bullying and Cyberbullying
http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.pdf

North Carolina

Legislative History

Criminal Code Statutes

2009 North Carolina House Bill No. 1261 – *Cyberbullying; Penalty*

North Carolina General Statute §14-458.1 – Cyberbullying penalty.

Education Code Statutes

2009 North Carolina Senate Bill No. 526 – *School Violence Prevention Act*

North Carolina General Statute §115C-407.5 – Bullying and harassing behavior.
North Carolina General Statute §115C-407.6 – Policy against bullying and harassing behavior.
North Carolina General Statute §115C-407.7 – Prevention of school violence.
North Carolina General Statute §115C-407.8 – Construction of statute.

2004 North Carolina State Board of Education Policy No. HRS-A-007 – *Policy for Anti-Harassment, Bullying, and Discrimination*

Criminal Code Statutes

North Carolina General Statute §14-196.3 – Cyberstalking.
North Carolina General Statute §14-196(b) – Harassment over the telephone.

Consolidated List of Bullying Laws in State Legislative Analysis

North Carolina General Statute §115C-407.5 – Bullying and harassing behavior.
North Carolina General Statute §115C-407.6 – Policy against bullying and harassing behavior.
North Carolina General Statute §115C-407.7 – Prevention of school violence.
North Carolina General Statute §115C-407.8 – Construction of statute.
North Carolina General Statute §14-458.1 – Cyberbullying penalty.

State Model Policies/Guidance Documents

Policy for Anti-Harassment, Bullying, and Discrimination
http://sbepolicy.dpi.state.nc.us/policies/HRS-A-007.asp?pri=03andcat=Aandpol=007andacr=HRS

North Dakota

Legislative History

Education Code Statutes

2011 North Dakota House Bill No. 1465

North Dakota Century Code Chapter 15.1-19 §1 – Bullying – definition.
North Dakota Century Code Chapter 15.1-19 §2 – "Conduct" includes the use of technology or other electronic media.
North Dakota Century Code Chapter 15.1-19 §3 – Professional development activities.
North Dakota Century Code Chapter 15.1-19 §4 – Bullying prevention programs.
North Dakota Century Code Chapter 15.1-19 §5 – Causes of action – immunity – school districts.
North Dakota Century Code Chapter 15.1-19 §6 – Causes of action – immunity – nonpublic schools.

Consolidated List of Bullying Laws in State Legislative Analysis

*North Dakota Century Code Chapte*r 15.1-19 §1 – Bullying – definition.

North Dakota Century Code Chapter 15.1-19 §2 – "Conduct" includes the use of technology or other electronic media.
North Dakota Century Code Chapter 15.1-19 §3 – Professional development activities.
North Dakota Century Code Chapter 15.1-19 §4 – Bullying prevention programs.
North Dakota Century Code Chapter 15.1-19 §5 – Causes of action – immunity – school districts.
North Dakota Century Code Chapter 15.1-19 §6 – Causes of action – immunity – nonpublic schools.

State Model Policies/Guidance Documents

No Model Policy

Ohio

Legislative History

Education Code Statutes

2009 Ohio House Bill No. 19

Ohio Revised Code Annotated §3313.666 – District policy prohibiting harassment required.
Ohio Revised Code Annotated §3313.667 – District bullying prevention initiatives.

2006 Ohio House Bill No. 276 – *Harassment, Intimidation, and Bullying Policy, Adopt Own*

Ohio Revised Code Annotated §3301.22 – Model harassment prevention policy.
Ohio Revised Code Annotated §3313.666 – District policy prohibiting harassment required.
Ohio Revised Code Annotated §3313.667 – District bullying prevention initiatives.

Criminal Code Statutes

Ohio Revised Code Annotated §2903.211 – Menacing bys.
Ohio Revised Code Annotated §2917.21(A) – Telecommunications harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Ohio Revised Code Annotated §3301.22 – Model harassment prevention policy.
Ohio Revised Code Annotated §3313.666 – District policy prohibiting harassment required.
Ohio Revised Code Annotated §3313.667 – District bullying prevention initiatives.

State Model Policies/Guidance Documents

Anti-harassment, Anti-intimidation or Anti-bullying Model Policy
http://www.ode.state.oh.us/GD/DocumentManagement/DocumentDownload.aspx?DocumentID=29538

Oklahoma

Legislative History

Education Code Statutes

2008 Oklahoma Senate Bill No. 1941 – *Oklahoma School Security Act*

Oklahoma Statute Annotated Title 70, §24-100.3 – School bullying prevention act – legislative findings – purpose of act – definitions.
Oklahoma Statute Annotated Title 70, §24-100.4 – School bullying prevention act – control and discipline of child – prohibition of harassment, intimidation, and bullying.
Oklahoma Statute Annotated Title 70, §24-100.5 – School bullying prevention act – safe school committees.

2002 Oklahoma House Bill No. 2215 – *School Bullying Prevention Act* (same as Oklahoma House Bill No. 992)

Oklahoma Statute Annotated Title 70, §24-100 – Oklahoma school bullying prevention act.
Oklahoma Statute Annotated Title 70, §24-100.2 – School bullying prevention act.
Oklahoma Statute Annotated Title 70, §24-100.3 – School bullying prevention act – legislative findings – purpose of act – definitions.

Oklahoma Statute Annotated Title 70, §24-100.4 – School bullying prevention act – control and discipline of child – prohibition of harassment, intimidation, and bullying.
Oklahoma Statute Annotated Title 70, §24-100.5 – School bullying prevention act – safe school committees.
Oklahoma Statute Annotated Title 70, §6-114 (renumbered as §24-100.4)

Oklahoma House Bill No. 2287 – *Oklahoma Safe Schools Act Program*

Criminal Code Statutes

Oklahoma Statute §21-1172 – Obscene, threatening, or harassing telecommunications.
Oklahoma Statute §21-1173 – Stalking.

Consolidated List of Bullying Laws in State Legislative Analysis

Oklahoma Statute Annotated Title 70, §24-100.2 – School bullying prevention act.
Oklahoma Statute Annotated Title 70, §24-100.3 – School bullying prevention act – legislative findings – purpose of act – definitions.
Oklahoma Statute Annotated Title 70, §24-100.4 – School bullying prevention act – control and discipline of child – prohibition of harassment, intimidation, and bullying.
Oklahoma Statute Annotated Title 70, §24-100.5 – School bullying prevention act – safe school committees.

State Model Policies/Guidance Documents

Safe Schools Guide: Selected Strategies and Resources
http://www.sde.state.ok.us/Schools/SafeHealthy/pdf/SafeSchlGuide.pdf

Oregon

Legislative History

Education Code Statutes

2009 Oregon House Bill No. 2599

Oregon Revised Statute §339.351 – Definitions.
Oregon Revised Statute §339.356 – District policy required.
Oregon Revised Statute §339.359 – Training programs; prevention task forces, programs and other initiatives.

2007 Oregon House Bill No. 2637

Oregon Revised Statute §339.351 – Definitions.
Oregon Revised Statute §339.353 – Findings.
Oregon Revised Statute §339.356 – District policy required.
Oregon Revised Statute §339.359 – Training programs; prevention task forces, programs and other initiatives.
Oregon Revised Statute §339.362 – Retaliation against victims and witnesses prohibited; school employee immunity.
Oregon Revised Statute §339.364 – Victim may seek redress under other laws.

2001 Oregon House Bill No. 3403

Oregon Revised Statute §339.351 – Definitions.
Oregon Revised Statute §339.353 – Findings.
Oregon Revised Statute §339.356 – District policy required.
Oregon Revised Statute §339.359 – Harassment, intimidation or bullying prevention task forces, programs, and other initiatives.
Oregon Revised Statute §339.362 – District shall adopt a policy prohibiting harassment, intimidation or bullying.
Oregon Revised Statute §339.364 – Victim may seek redress under other laws.

1997 Oregon House Bill No. 3544 – *Two-Year Pilot Program*

Oregon Revised Statute §163.730 – Definitions for ORS §30.866 and §163.730 to §163.750

Oregon Revised Statute §163.732 – Stalking.
Oregon Revised Statute §166.065 – Harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Oregon Revised Statute §339.351 – Definitions.
Oregon Revised Statute §339.353 – Findings.
Oregon Revised Statute §339.356 – District policy required.
Oregon Revised Statute §339.359 – Training programs; prevention task forces, programs and other initiatives.
Oregon Revised Statute §339.362 – Retaliation against victims and witnesses prohibited; school employee immunity.
Oregon Revised Statute §339.364 – Victim may seek redress under other laws.

State Model Policies/Guidance Documents

Memorandum No. §002-2009-10 – Harassment, Intimidation, and Bullying Policy and Procedures
http://www.ode.state.or.us/news/announcements/announcement.aspx?=5118

Pennsylvania

Legislative History

Education Code Statutes

2008 Pennsylvania House Bill No. 1067 – *Each School Adopt a Bullying Policy*
24 Pennsylvania Consolidated Statute §13-1303.1-A – Policy relating to bullying.

Criminal Code Statutes

Pennsylvania Consolidated Statute Title 18 §2709.1 – Stalking.
Pennsylvania Consolidated Statute Title 18 §2709 – Harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

24 Pennsylvania Consolidated Statute §13-1303.1-A – Policy relating to bullying.

State Model Policies/Guidance Documents

Bullying/Cyberbullying Policy No. 249
http://www.portal.state.pa.us/portal/server.pt/document/890097/bullying_cyberbullying_pdf?qid=56614459andrank=3

Rhode Island

Legislative History *

Education Code Statutes

2008 Rhode Island House/Assembly Bill No. 7213 (same as Senate Act No. 2012)
Rhode Island General Laws §16-21-26 – Student discipline codes.

2003 Rhode Island House/Assembly Bill No. 5919
Rhode Island General Laws §16-21-24 – Requirements of school safety plans, school emergency response plans, and school crisis response plans.

2008 Rhode Island Senate Bill No. 2021
Rhode Island General Laws §11-52-4.2 – Cyberstalking and cyberharassment prohibited.

Consolidated List of Bullying Laws in State Legislative Analysis

Rhode Island General Laws §16-21-24 – Requirements of school safety plans, school emergency response plans, and school crisis response plans.
Rhode Island General Laws §16-21-26 – Student discipline codes.

* Note: Rhode Island passed legislation in 2008 governing cyberharassment. Cyberbullying is also covered under statutes within the Education Code.

State Model Policies/Guidance Documents

A Guide to Preventing Bullying, Teen Dating Violence, and Sexual Violence in Rhode Island Schools
http://www.ride.ri.gov/commissioner/edpolicy/documents/20080401_guidebullyingtdv_v1_kr.pdf

Guidance on Developing Required Policies against Bullying
http://www.ride.ri.gov/psi/docs/child_family/substance/bullying %20guidance %20and %20modelpolicy %2011-21-03.pdf

South Carolina

Legislative History

Education Code Statutes

2008 South Carolina House Bill No. 4758

South Carolina Code Annotated §59-63-425 – Transfer upon violation of restraining order; interscholastic activity eligibility.

2006 South Carolina House Bill No. 3573 - *Safe School Climate Act*

South Carolina Code Annotated §59-63-110 – Safe school climate act.
South Carolina Code Annotated §59-63-120 – Definitions.
South Carolina Code Annotated §59-63-130 – Prohibited conduct; reports by witnesses.
South Carolina Code Annotated §59-63-140 – Local school districts to adopt policies prohibiting harassment, bullying prevention programs.
South Carolina Code Annotated §59-63-150 – Availability of civil or criminal redress; immunity of reporting school employee or volunteer.

Criminal Code Statutes

South Carolina Code Annotated §16-3-1700 – Harassment and stalking.
South Carolina Code Annotated §16-17-430 – Unlawful communication.

Consolidated List of Bullying Laws in State Legislative Analysis

South Carolina Code Annotated §59-63-110 – Safe school climate act.
South Carolina Code Annotated §59-63-120 – Definitions.
South Carolina Code Annotated §59-63-130 – Prohibited conduct; reports by witnesses.
South Carolina Code Annotated §59-63-140 – Local school districts to adopt policies prohibiting harassment, bullying prevention programs.
South Carolina Code Annotated §59-63-150 – Availability of civil or criminal redress; immunity of reporting school employee or volunteer.
South Carolina Code Annotated §59-63-425 – Transfer upon violation of restraining order; interscholastic activity eligibility.

State Model Policies/Guidance Documents

Model Policy Prohibiting Harassment, Intimidation or Bullying
http://ed.sc.gov/agency/Innovation-and-Support/Youth-Services/Safe-And-Drugfree-Schools/Model-Bullying-Policy.pdf

South Dakota

Legislative History

No State Legislation

State Model Policies/Guidance Documents

No Model Policy

Tennessee

Legislative History

Education Code Statutes

2009 **Tennessee Senate Bill No. 283** (same as House Bill No. 451)
Tennessee Code Annotated §49-6-1016 – District policy requirement.

2009 **Tennessee Senate Bill No. 113**
Tennessee Code Annotated §39-17-308 – Cyberbullying.

2007 **Tennessee Senate Bill No. 1910**
Tennessee Code Annotated §49-6-4301 – Reporting student offenses – non-specific language-assault.

2005 **Tennessee House Bill No. 2114, Substituted for Senate Bill No. 1621**
Tennessee Code Annotated §49-6-1014 – Purpose.
Tennessee Code Annotated §49-6-1015 – Scope and definition.
Tennessee Code Annotated §49-6-1016 – District policy requirement.
Tennessee Code Annotated §49-6-1017 – Adoption of policy – transmission of copy of policy to the commissioner of education.
Tennessee Code Annotated §49-6-1018 – Reporting and immunity.
Tennessee Code Annotated §49-6-1019 – Encouraged task forces.

Criminal Code Statutes

Tennessee Code Annotated §39-17-315 – Stalking.

Consolidated List of Bullying Laws in State Legislative Analysis

Tennessee Code Annotated §39-17-315 – Stalking.
Tennessee Code Annotated §49-6-1014 – Purpose.
Tennessee Code Annotated §49-6-1015 – Scope and definition.
Tennessee Code Annotated §49-6-1016 – District policy requirement.
Tennessee Code Annotated §49-6-1017 – Adoption of policy – transmission of copy of policy to the commissioner of education.
Tennessee Code Annotated §49-6-1018 – Reporting and immunity.
Tennessee Code Annotated §49-6-1019 – Encouraged task forces.

State Model Policies/Guidance Documents

No Model Policy – State distributes Tennessee Code Annotated §49-6-1016 in lieu of a state model policy, upon request.

Texas

Legislative History

Education Code Statutes

2007 **Texas Senate Bill No. 137**
Texas Education Code Annotated §37.217 – Community education relating to internet safety.

2005 **Texas House Bill No. 283**
Texas Education Code Annotated §25.0342 – Transfer of victims of bullying.
Texas Education Code Annotated §37.001 – Student code of conduct.
Texas Education Code Annotated §37.083a – Discipline management policies; sexual harassment.

1995 *Texas Education Code Annotated §37.123* – Disruptive activities.
Texas Education Code Annotated §37.124 – Disruption of classes.

Criminal Code Statutes

2009 Texas House Bill No. 2003

Texas Penal Code §33.07 – Online harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Texas Education Code Annotated §25.0342 – Transfer of victims of bullying.
Texas Education Code Annotated §37.001 – Student code of conduct.
Texas Education Code Annotated §37.083a – Discipline management policies; sexual harassment.
Texas Education Code Annotated §37.123 – Disruptive activities.
Texas Education Code Annotated §37.124 – Disruption of classes.
Texas Education Code Annotated §37.217 – Community education relating to internet safety.

State Model Policies/Guidance Documents

No Model Policy

Utah

Legislative History

Education Code Statutes

2011 Utah Senate Joint Resolution No. 27 – *Bullying and Cyberbullying Standards for School Districts Joint Resolution*

2009 Utah State Board of Education Policy No. R227-613 – *School Bullying and Hazing Policies and Training*

2008 Utah State Board of Education Policy No. R227-609 – *Standards for school discipline plans*

2008 Utah House Bill No. 325 – *Bullying and Hazing*

Utah Code Annotated §53A-11a-101 – Title.
Utah Code Annotated §53A-11a-102 – Bullying and hazing definitions.
Utah Code Annotated §53A-11a-201– Bullying and hazing prohibited.
Utah Code Annotated §53A-11a-202 – Retaliation ad making false allegation prohibited.
Utah Code Annotated §53A-11a-301– Reporting of bullying and hazing.
Utah Code Annotated §53A-11a-302 – Model policy.
Utah Code Annotated §53A-11a-401– Bullying and hazing policy.
Utah Code Annotated §53A-11a-402 – Other forms of legal redress.
Utah Code Annotated §53A-11a-501– Training, education, prevention.

2003 Utah Education Code §53A-11-904 – *Grounds for Suspension or Expulsion from a Public School*

Criminal Code Statutes

2009 Utah Senate Bill No. 91

Utah Code §76-5-106.5 – Stalking.
Utah Code §76-9-201 – Electronic communication harassment.

Consolidated List of Bullying Laws in State Legislative Analysis

Utah State Board of Education Policy §R227-609 – Standards for school discipline plans.
Utah State Board of Education Policy §R227-613 – School bullying and hazing policies and training.
Utah Code Annotated §53A-11-904 – Grounds for suspension or expulsion from a public school.
Utah Code Annotated §53A-11a-101 – Title.
Utah Code Annotated §53A-11a-102 – Bullying and hazing definitions.
Utah Code Annotated §53A-11a-201– Bullying and hazing prohibited.

Utah Code Annotated §53A-11a-202 – Retaliation ad making false allegation prohibited.
Utah Code Annotated §53A-11a-301– Reporting of bullying and hazing.
Utah Code Annotated §53A-11a-302 – Model policy.
Utah Code Annotated §53A-11a-401– Bullying and hazing policy.
Utah Code Annotated §53A-11a-402 – Other forms of legal redress.
Utah Code Annotated §53A-11a-501– Training, education, prevention.
Utah Code Annotated §76-9-201 – Electronic communication harassment.
Utah House Bill SJR 27 – Bullying and cyberbullying standards for school districts joint resolution.

State Model Policies/Guidance Documents

USOE Model Policy Bullying and Hazing
http://www.schools.utah.gov/law/DOCS/PAPERS/Model-Policy.aspx
XYZ School District Student Discipline Model Policy
http://www.schools.utah.gov/law/DOCS/PAPERS/Student_Discipline_Plans_Model_Policy_11-08.aspx
Utah State Board of Education Rule §R277-609
http://www.rules.utah.gov/publicat/code/r277/r277-609.htm

Vermont

Legislative History

Education Code Statutes

2008 Vermont Senate Bill No. 357, Act No. 174
Vermont Statute Annotated Title 16, §19 – Study of bullying and harassment in schools.

2007 Vermont Senate Bill No. 51, Act 41 – *Gender Identity*
Vermont Statute Annotated Title 16, §(a) – Classifications and definitions.

2004 Vermont House Bill No. H629
Vermont Department of Education Act 117 – An act relating to bullying prevention policies.
Vermont Statute Annotated Title 16, §11(a)(32) – School discipline policies; bullying.
Vermont Statute Annotated Title 16, §1161a(a)(6) – School discipline policies; bullying.

2004 Vermont House Bill No. 113, General Assembly Act No. 91 – *An Act Relating to Harassment in Schools*
Vermont Statute Annotated Title 16, §11 – Classifications and definitions.
Vermont Statute Annotated Title 16, §1161a – Discipline.
Vermont Statute Annotated Title 16, §14 – Harassment; notice and response.
Vermont Statute Annotated Title 16, §565 – Harassment and hazing prevention policies.

1994 Vermont Act No. 162, S. 313 – *An Act Relating to Harassment Policies in Schools*

Criminal Code Statutes

Vermont Statute Title 13, Chapter 19, §1027 – Disturbing peace by use of telephone or other electronic communications.
Vermont Statute Title 13, Chapter 19, §1061 – Definitions.
Vermont Statute Title 13, Chapter 19, §1062 – Stalking.
Vermont Statute Title 13, Chapter 19, §1063 – Aggravated stalking.

Consolidated List of Bullying Laws in State Legislative Analysis

Vermont Statute Annotated Title 16, §11 – Classifications and definitions.
Vermont Statute Annotated Title 16, §14 – Harassment; notice and response.

Vermont Statute Annotated Title 16, §565 – Harassment and hazing prevention policies.
Vermont Statute Annotated Title 16, §1161a – Discipline.

State Model Policies/Guidance Documents

Model Bullying Prevention Plan
http://education.vermont.gov/new/pdfdoc/pgm_safeschools/pubs/bullying_prevention_04.pdf

Virginia

Legislative History

Education Code Statutes

2010 Virginia House Bill No. 907 – *Reports of Certain Acts to School Authorities; Local Law-Enforcement Authorities to Report*
Virginia Code Annotated §22.1-279.3:1 – Reports of certain acts to school authorities; local law enforcement authorities to report.

2009 Virginia House Bill No. 1624
Virginia Code Annotated §22.1-279.6 – Board of education guidelines and model policies for codes of student conduct.

2005 Virginia House Bill No. 2267 – *Harassment; Immunity for any School Employee or Volunteer who Reports Incident*
Virginia Code Annotated §8.01-220.1:2 – Civil immunity for teachers under certain circumstances.

2005 Virginia House Bill No. 2879
Virginia Code Annotated §22.1-208.01 – Character education.
Virginia Code Annotated §22.1-279.6 – Board of education guidelines and model policies for codes of student conduct.
Virginia Code Annotated §22.1-279.3:1 – Reports of certain acts to authorities.

Consolidated List of Bullying Laws in State Legislative Analysis

Virginia Code Annotated §8.01-220.1:2 – Civil immunity for teachers under certain circumstances.
Virginia Code Annotated §22.1-208.01 – Character education.
Virginia Code Annotated §22.1-279.3:1 – Reports of certain acts to school authorities; local law enforcement authorities to report.
Virginia Code Annotated §22.1-279.6 – Board of education guidelines and model policies for codes of student conduct.

State Model Policies/Guidance Documents

Cyberbullying and School Policy
http://www.doe.virginia.gov/support/prevention/bullying/index.shtml (Index of Documents)
Student Conduct Policy Guidelines
http://www.doe.virginia.gov/boe/guidance/safety/student_conduct.pdf

Washington

Legislative History

Education Code Statutes

2010 Washington Substitute House Bill No. 2801 – *Harassment, Intimidation, and Bullying*
Washington Revised Code §28A.300.285 – Harassment, intimidation, and bullying prevention policies and procedures.
Washington Revised Code §43.06B.060 – Public school antiharassment policies and strategies – lead agency.

2007 Washington Substitute Senate Bill No. 5288 – *Cyberbullying*
Washington Revised Code §28A.300.285 – Harassment, intimidation, and bullying prevention policies and procedures.

2002 Washington House Bill No. 1444 – *Bullying*
Washington Revised Code §28A.300.285 – Harassment, intimidation, and bullying prevention policies and procedures.
Washington Revised Code §28A.600.480 – Reporting of harassment, intimidation, or bullying.

2001 Washington Senate Bill No. 6153

2001 Washington House Bill No. 1041 (same as Senate Bill No. 5842)

Washington Revised Code §28A.640.020 – Sexual harassment policies.

Criminal Code Statutes

Washington Revised Code §9.61.260 – Cyberstalking.
Washington Revised Code §9A.36.080(3) – Specific characteristics.
Washington Revised Code §9A.46.020 – Definition, penalties – harassment.
Washington Revised Code §9A.46.110 – Stalking.
Washington Revised Code §10.14.20 – Definitions.

Consolidated List of Bullying Laws in State Legislative Analysis

Washington Revised Code §9A.36.080(3) – Specific characteristics.
Washington Revised Code §28A.300.285 – Harassment, intimidation, and bullying prevention policies and procedures.
Washington Revised Code §28A.600.480 – Reporting of harassment, intimidation, or bullying.
Washington Revised Code §43.06B.060 – Public school antiharassment policies and strategies – lead agency.

State Model Policies/Guidance Documents

The Prohibition of Harassment, Intimidation and Bullying, Policy/Procedure No. 3207P
http://www.k12.wa.us/SafetyCenter/Guidance/pubdocs/Anti-BullyingProcedureFinal.pdf

West Virginia

Legislative History

Education Code Statutes

2011 West Virginia House Bill No. 3225

West Virginia Code Annotated §18-2C-2 – Definitions.
West Virginia Code Annotated §18-2C-3 – Policy prohibiting harassment, intimidation or bullying.

2008 West Virginia House Bill No. 4368 (same as Senate Bill No. 594)

West Virginia Code Annotated §18A-5-1 – Authority of teachers and other school personnel; exclusion of pupils having infectious diseases; suspension or expulsion of disorderly pupils; corporal punishment abolished.
West Virginia Code Annotated §18A-5-1c – Bill of rights and responsibilities for students and school personnel.

2007 West Virginia Legislative Rule Board of Education No. 2421 – *Harassment and Violence Policy*

2003 West Virginia Legislative Rule Board of Education No. 4373/No. 4336 – *Student Code of Conduct*

2001 West Virginia House Bill No. 3023

West Virginia Code Annotated §18-2-7B – Programs in drug prevention and violence reduction.
West Virginia Code Annotated §18-2C-1 – Legislative findings.
West Virginia Code Annotated §18-2C-2 – Definitions.
West Virginia Code Annotated §18-2C-3 – Policy prohibiting harassment, intimidation or bullying.
West Virginia Code Annotated §18-2C-4 – Immunity.
West Virginia Code Annotated §18-2C-5 – Policy training and education.
West Virginia Code Annotated §18-2C-6 – Liability.

Consolidated List of Bullying Laws in State Legislative Analysis

West Virginia Code Annotated §18-2-7B – Programs in drug prevention and violence reduction.
West Virginia Code Annotated §18-2C-1 – Legislative findings.

West Virginia Code Annotated §18-2C-2 – Definitions.
West Virginia Code Annotated §18-2C-3 – Policy prohibiting harassment, intimidation or bullying.
West Virginia Code Annotated §18-2C-4 – Immunity.
West Virginia Code Annotated §18-2C-5 – Policy training and education.
West Virginia Code Annotated §18-2C-6 – Liability.
West Virginia Code Annotated §18A-5-1 – Authority of teachers and other school personnel; exclusion of pupils having infectious diseases; suspension or expulsion of disorderly pupils; corporal punishment abolished.
West Virginia Code Annotated §18A-5-1c – Bill of rights and responsibilities for students and school personnel.

State Model Policies/Guidance Documents

West Virginia State Board of Education Rule, §126-18 – Racial, Sexual, Religious/Ethnic Harassment and Violence, Policy No. 2421
http://wvde.state.wv.us/policies/p2421.html
State Board of Education Rule §126-99 – Student Code of Conduct, Policy No. 4373,
http://wvde.state.wv.us/policies/p2421.html

Wisconsin

Legislative History

Education Code Statutes

2010 Wisconsin Senate Bill No. 154, Act No. 309

Wisconsin Statute §118.13 – Pupil discrimination prohibited.
Wisconsin Statute §118.46 – Policy on bullying.

Consolidated List of Bullying Laws in State Legislative Analysis

Wisconsin Statute §118.13 – Pupil discrimination prohibited.
Wisconsin Statute §118.46 – Policy on bullying.

State Model Policies/Guidance Documents

Model Bullying Policy
http://dpi.wi.gov/sspw/doc/modelbullyingpolicy.doc
Bullying Prevention Guidelines
http://dpi.wi.gov/sspw/pdf/bullyingguide.pdf

Wyoming

Legislative History

Education Code Statutes

2009 Wyoming House Bill No. 0223

Wyoming Statute Annotated §21-4-311 – Safe school climate act.
Wyoming Statute Annotated §21-4-312 – Definitions.
Wyoming Statute Annotated §21-4-313 – Prohibition against harassment, intimidation or bullying; reporting to school officials.
Wyoming Statute Annotated §21-4-314 – School district implementation; state policies, training and technical assistance.
Wyoming Statute Annotated §21-4-315 – Applicability; no civil liability created; immunity.

Consolidated List of Bullying Laws in State Legislative Analysis

Wyoming Statute Annotated §21-4-311 – Safe school climate act.
Wyoming Statute Annotated §21-4-312 – Definitions.

Wyoming Statute Annotated §21-4-313 – Prohibition against harassment, intimidation or bullying; reporting to school officials.
Wyoming Statute Annotated §21-4-314 – School district implementation; state policies, training and technical assistance.
Wyoming Statute Annotated §21-4-315 – Applicability; no civil liability created; immunity.

State Model Policies/Guidance Documents

Anti Bullying Model Policy I
Anti Bullying Model Policy II
(The Wyoming Department of Education does not currently publish these documents online in the public domain, and they are available by request.)

Note: Because of ongoing change in school bullying policies, state model policies and other guidance documents, web links to state policy or documents on relevant state web sites (Appendix B) may have changed, as data collection for this study was completed on April 30, 2011.

Appendix C

Bullying and Related Terms As Defined in State Legislation

Bullying and Related Terms as Defined in State Legislation

State	*Terms*	*Legislative Text*
Alabama	Harassment	A continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board. To constitute harassment, a pattern of behavior may do any of the following: a. Place a student in reasonable fear of harm to his or her person or damage to his or her property. b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student. c. Have the effect of substantially disrupting or interfering with the orderly operation of the school. d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function. e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student. *Ala. Code* §16-28B-3
Alaska	Harassment, intimidation, or bullying	"Harassment, intimidation, or bullying" means an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and (A) physically harms the student or damages the student's property; (B) has the effect of substantially interfering with the student's education; (C) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (D) has the effect of substantially disrupting the orderly operation of the school; *Alaska Stat.* §14.33.250
Arizona	Harassment, intimidation, or bullying	No definition in state legislation
Arkansas	Bullying	(1) "Attribute" means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation; (2) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable: (A) Physical harm to a public school employee or student or damage to the public school employee's or student's property; (B) Substantial interference with a student's education or with a public school employee's role in education; (C) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or (D) Substantial disruption of the orderly operation of the school or educational environment; (3) "Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager; (4) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to

State	*Terms*	*Legislative Text*
		another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and (5) "Substantial disruption" means without limitation that any one (1) or more of the following occur as a result of the bullying: (A) Necessary cessation of instruction or educational activities; (B) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment; (C) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or (D) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment. *Ark. Code. Ann.*§6-18-514
	Harassment	(4) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; *Ark. Code Ann.* §6-18-514
California	Bullying	(f) As used in this chapter, "bullying" means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4. (g) As used in this chapter, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. *Cal. Educ. Code* §32261 (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. *Cal. Educ. Code* §48900
	Harassment	The department shall assess whether local educational agencies have done all of the following: (a) Adopted a policy that prohibits discrimination and harassment based on the characteristics set forth in Section 422.55 of the Penal Code and Section 220. *Cal. Educ. Code* §234.1 (a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: (1) Disability. (2) Gender. (3) Nationality. (4) Race or ethnicity. (5) Religion. (6) Sexual orientation. (7) Association with a person or group with one or more of these actual or perceived characteristics. (b) "Hate crime" includes, but is not limited to, a violation of Section 422.6. *Cal. Penal Code* §422.55 No person shall be subjected to discrimination on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. *Cal. Educ. Code* §220
Colorado	Bullying	"Bullying" means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the

State	*Terms*	*Legislative Text*
		school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events. The school district's policy shall include a reasonable balance between the pattern and the severity of such bullying behavior. *Colo. Rev. Stat.* §22-32-109.1
Connecticut	Bullying	"Bullying" means any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, or intimidate the other student while on school grounds or at a school-sponsored activity which acts are repeated against the same student over time. *Conn. Gen. Stat.*§10-222d
Delaware	Bullying	"Bullying" means any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: (1) Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property. (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or (4) Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee. *Del. Code. Ann. Tit. 14,* §4112D
Florida	Bullying	(2) Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited: (a) During any education program or activity conducted by a public K-12 educational institution; (b) During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution; or (c) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution. (3)For purposes of this section: (a) "Bullying" means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: 1. Teasing; 2. Social exclusion; 3. Threat; 4. Intimidation; 5. Stalking; 6. Physical violence; 7. Theft; 8. Sexual, religious, or racial harassment; 9. Public humiliation; or 10. Destruction of property. (b) "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that: 1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or 3. Has the effect of substantially disrupting the orderly operation of a school. (c) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking

State	*Terms*	*Legislative Text*
		are applicable to this section. (d) The definitions of "bullying" and "harassment" include: 1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation. 2. Perpetuation of conduct listed in paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by: a. Incitement or coercion; b. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment. *Fla. Stat. Ann.* §1006.147
	Harassment	(b) "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that: 1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or 3. Has the effect of substantially disrupting the orderly operation of a school. *Fla. Stat. Ann.* §1006.147
Georgia	Bullying	"Bullying" means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is: (1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; (2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or (3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that: (A) Causes another person substantial physical harm within the meaning of Code §16-5-23.1 or visible bodily harm as such term is defined in Code §6-5-23.1; (B) Has the effect of substantially interfering with a student's education; (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (D) Has the effect of substantially disrupting the orderly operation of the school. *Ga. Code Ann.* §20-2-751.4
Idaho	Harassment, intimidation, or bullying	(1) No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student. (2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that: (a) A reasonable person under the circumstances should know will have the effect of: (i) Harming a student; or (ii) Damaging a student's property; or (iii) Placing a student in reasonable fear of harm to his or her person; or (iv) Placing a student in reasonable fear of damage to his or her property; or (b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student. An act of harassment, intimidation or bullying may also be committed through the use

State	*Terms*	*Legislative Text*
		of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network. (3) A student who personally violates any provision of this section may be guilty of an infraction. *Idaho Code* §18-917a
Illinois	Bullying	(b) In this Section: "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing the student or students in reasonable fear of harm to the student's or students' person or property; (2) causing a substantially detrimental effect on the student's or students' physical or mental health; (3) substantially interfering with the student's or students' academic performance; or (4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school. Bullying, as defined in this subsection (b), may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive. *105 Ill. Comp. Stat. Ann.* 5/27-23.7
Indiana	Bullying	"Bullying" means overt, repeated acts or gestures, including : (1) verbal or written communications transmitted; physical acts committed; or any other behaviors committed; by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student. *Ind. Code Ann.* §20-33-8
Iowa	Harassing and bullying	"Harassing" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions: (1) Places the student in reasonable fear of harm to the student's person or property, (2) Has a substantially detrimental effect on the student's physical or mental health, (3) Has the effect of substantially interfering with a student's academic performance, (4) Has the effect of substantially interfering with a student's ability to participate in or benefit from the services, activities, or privileges provided by a school. *Iowa Code* §280.28
Kansas	Bullying	(1) "Bullying" means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of: (i) Harming a student or staff member, whether physically or mentally; (ii) damaging a student's or staff member's property; (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or (iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property; (B) cyberbullying; or (C) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 72-8205, and amendments thereto. *Kan. Stat. Ann.* §72-8256

State	*Terms*	*Legislative Text*
Kentucky	Harassment	A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she: (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact; (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; (d) Follows a person in or about a public place or places; (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event: 1. Damages or commits a theft of the property of another student; 2. Substantially disrupts the operation of the school; or 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment. *Ky. Rev. Stat. Ann.* §525.070
Louisiana	Harassment, intimidation, and bullying	The terms "harassment," "intimidation," and "bullying" shall mean any intentional gesture or written, verbal, or physical act that: (a) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and (b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student. *La. Rev. Stat. Ann.* §416.13
Maine	Bullying, harassment, sexual harassment	For the purpose of this policy, "bullying" means any physical act or gesture or any verbally, written, or electronically communicated expression that: A reasonable person should expect will have the effect of: Physically harming a student or damaging a student's property; Placing a student in reasonable fear of physical harm or damage to his/her property; or Substantially disrupting the instructional program or the orderly operations of the school; or Is so severe, persistent, or pervasive that it creates an intimidating, hostile educational environment for the student who is bullied. Maine School Management Association Sample Policy (2006)
Maryland	Bullying, harassment, or intimidation	"Bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that: (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is: 1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or 2. Threatening or seriously intimidating; and (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or 2. Substantially disrupts the orderly operation of a school. *Md. Educ. Code Ann.* §7-424
Massa-chusetts	Bullying	"Bullying," the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property;

State	*Terms*	*Legislative Text*
		(iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyberbullying. *Mass. Gen. Laws.* §71-37O
Michigan	--	No state legislation
Minnesota	Intimidation and bullying	No definition in state legislation
Mississippi	Bullying or harassing behavior	"Bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus, and that: (a) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or (b) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior. *Miss. Code. Ann.* §37-11-67
Missouri	Bullying	"Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. *Mo. Rev. Stat.* §160-775
Montana	--	No state legislation
Nebraska	Bullying	Bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events. *Neb. Rev. Stat.* §79-2,137
Nevada	Bullying	"Bullying" means a willful act or course of conduct on the part of one or more pupils which is not authorized by law and which exposes a pupil repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and is intended to cause and actually causes the pupil to suffer harm or serious emotional distress. *Nev. Rev. Stat. Ann.* §388.122
	Harassment	"Harassment" means a willful act or course of conduct that is not otherwise authorized by law and: Is highly offensive to a reasonable person, and Intended to cause and actually causes another person to suffer serious emotional distress. *Nev. Rev. Stat. Ann.* §388.125
	Intimidation	"Intimidation" means a willful act or course of conduct that is now otherwise authorized by law and: Is highly offensive to a reasonable person; and Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person. *Nev. Rev. Stat. Ann.* §388.129
New Hampshire	Bullying	"Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which " (1) Physically harms a pupil or damages the pupil's property; (2) Causes emotional distress to a pupil,

State	*Terms*	*Legislative Text*
		(3) Interferes with a pupil's educational opportunities, (4) Creates a hostile educational environment; or (5) Substantially disrupts the orderly operation of the school, "Bullying" shall include actions motivate by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs. *N.H. Rev. Stat. Ann.* §193-F:4
New Jersey	Harassment, intimidation, or bullying	2. As used in this act: "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager; "Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that: a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; b. has the effect of insulting or demeaning any student or group of students; or c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student. *N. J. Stat. Ann.* §18A-37-14
New Mexico	Bullying	"Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation. *N.M. Admin. Code* §6.12.7.7
	Harassment	"Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person. *N.M. Admin. Code* §6.12.7.7
New York	Discrimination or harassment (including bullying, taunting, or intimidation)	"Harassment" shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. *N.Y. Educ. Law* §11
North Carolina	Bullying or harassing behavior	"Bullying or harassing" behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school sponsored function, or on a school bus,

State	*Terms*	*Legislative Text*
		and that: (1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or (2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victims subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior. Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socio economic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. *N.C. Gen. Stat.* §115C-407.15
North Dakota	Bullying	1. "Bullying" means: a. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which: (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities; (2) Places the student in actual and reasonable fear of harm; (3) Places the student in actual and reasonable fear of damage to property of the student; or (4) Substantially disrupts the orderly operation of the public school; or b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which: (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities; (2) Places the student in actual and reasonable fear of harm; (3) Places the student in actual and reasonable fear of damage to property of the student; or (4) Substantially disrupts the orderly operation of the public school. *N.D. Cent. Code* §15.1-19-1 2. "Conduct" includes the use of technology or other electronic media. *N.D. Cent. Code* §15.1-19-2
Ohio	Harassment, intimidation, or bullying	"Harassment, intimidation, or bullying" means either of the following: (1) Any intentional written, verbal, or physical act that a student has Exhibited toward another particular student more than once and the behavior both: (a) Causes mental or physical harm to the other student; (b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student. (2) Violence within a dating relationship. *Ohio Rev. Stat. Ann.* §3313.666
Oklahoma	Harassment, intimidation, and bullying	"Harassment, intimidation, and bullying" means any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. "Harassment, intimidation, and bullying" include, but are not limited to, gestures, written, verbal, or physical acts, or electronic communications;

State	*Terms*	*Legislative Text*
		Okla. Stat. Ann. Tit. 70, §24-100.3
Oregon	Harassment, intimidation, or bullying	"Harassment, intimidation or bullying" means any act that: (a) Substantially interferes with a student's educational benefits, opportunities or performance; (b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop; (c) Has the effect of: (A) Physically harming a student or damaging a student's property; (B) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or (C) Creating a hostile educational environment, including interfering with the psychological well-being of a student; and (d) May be based on, but not be limited to, the protected class status of a person. (3) "Protected class" means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability. *Or. Rev. Stat.* §339.351
Pennsylvania	Bullying	"Bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts: (1) Directed at another student or students; (2) Which occurs in a school setting; (3) That is severe, persistent or pervasive; and (4) That has the effective of doing any of the following: Substantially interfering with a student's education; Creating a threatening environment; or Substantially disrupting the orderly operation of the schools; and "school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised, or sanctioned by the school. *24 Pa. Cons. Stat.* §13-1303.1-A
Rhode Island	Harassment, intimidation or bullying	"Harassment, intimidation or bullying" means an intentional written, electronic, verbal or physical act or threat of a physical act that, under the totality of circumstances: (i) A reasonable person should know will have the effect of: physically harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, or placing a student in reasonable fear of damage to his or her property; or (ii) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student. *R.I. Gen. Laws* §16-21-26
South Carolina	Harassment, intimidation, or bullying	"Harassment, intimidation, or bullying" means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of: (a) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or (b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school. *S.C. Code Ann.* §59-63-120
South Dakota	--	No state legislation
Tennessee	Harassment, intimidation, or bullying	"Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of: (1) Physically harming a student or damaging a student's property; (2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

State	*Terms*	*Legislative Text*
		(3) Creating a hostile educational environment. *Tenn. Code Ann.* §49-6-1015
Texas	Bullying	"Bullying" means engaging in written or verbal expression or physical conduct that a school district board of trustees or the board's designee determines: (1) will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. *Tex. Educ. Code Ann.* §25.0342
	Harassment	"Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety. *Tex. Educ. Code Ann.* §37.001
Utah	Bullying	(1)(a)"Bullying" means intentionally or knowingly committing an act that: (i) (A) endangers the physical health or safety of a school employee or student; (B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; (C) involves consumption of any food, liquor, drug, or other substance; (D) involves other physical activity that endangers the physical health and safety of a school employee or student; or (E) involves physically obstructing a school employee's or student's freedom to move; and (ii) is done for the purpose of placing a school employee or student in fear of: (A) physical harm to the school employee or student; or (B) harm to property of the school employee or student. (b) The conduct described in Subsection (1)(a) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. *Utah Code* §53A-11a-102
	Harassment	(4) "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual. *Utah Code* §53A-11a-102
	Hazing	(5) (a) "Hazing" means intentionally or knowingly committing an act that: (i) (A) endangers the physical health or safety of a school employee or student; (B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; (C) involves consumption of any food, liquor, drug, or other substance; (D) involves other physical activity that endangers the physical health and safety of a school employee or student; or (E) involves physically obstructing a school employee's or student's freedom to move; and (ii) (A) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or (B) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.

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		Utah Code §53A-11a-102
Vermont	Bullying	(32) "Bullying" means any overt act or combination of acts directed against a student by another student or group of students and which: (A) is repeated over time; (B) is intended to ridicule, humiliate, or intimidate the student; and (C) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity. *Vt. Stat. Ann.* §11(a)(32)
	Harassment	(26)(A) "Harassment" means an incident or incidents of verbal, written, visual, or physical conduct based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment. (B) "Harassment" includes conduct which violates subdivision (A) of this subdivision (26) and constitutes one or more of the following: (i) Sexual harassment, which means conduct that includes unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur: (I) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education. (II) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student. (ii) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to racial customs. (iii) Harassment of members of other protected categories, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, sex, sexual orientation, gender identity, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories. *Vt. Stat. Ann.* §11(a)(32)
Virginia	Bullying, harassment, or intimidation	Non-criminal behavior associated with bullying includes intimidation, taunting, name-calling, and insults. The definition developed for the Virginia Department of Education Annual Discipline, Crime, and Violence Report is "repeated negative behaviors intended to frighten or cause harm" that may include, but are not limited to, verbal or written threats or physical harm. Another form of bullying occurs through the use of electronic means and is referred to as cyber bullying. Typically, cyber bullying is defined as using information and communication technologies, such as cell phone text messages and pictures and internet e-mail, social networking Web sites, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate, hostile, behavior intended to harm others. Sample Conduct Standard: Bullying (2009) Students, either individually or as part of a group, shall not harass or bully others. The following conduct is illustrative of bullying: 1. Physical intimidation, taunting, name calling, and insults 2. Comments regarding the race, gender, religion, physical abilities or characteristics of associates of the targeted person 3. Falsifying statements about other persons

State	*Terms*	*Legislative Text*
		4. Use of technology such as e-mail, text messages, or Web sites to defame or harm others. Student Conduct Policy Guidelines (2009)
Washington	Harassment, intimidation, or bullying	"Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act: (a) Physically harms a student or damages the student's property; or (b) Has the effect of substantially interfering with a student's education; or (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (d) Has the effect of substantially disrupting the orderly operation of the school. Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying. *Wash. Rev. Code* §28A.300.285 (1) A person is guilty of malicious harassment if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap: (a) Causes physical injury to the victim or another person; (b) Causes physical damage to or destruction of the property of the victim or another person; or (c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all the circumstances. For purposes of this section, a "reasonable person" is a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute malicious harassment if it is apparent to the victim that the person does not have the ability to carry out the threat. *Wash. Rev. Code* §9A.36.080(3)
West Virginia	Harassment, intimidation, or bullying	Definitions. (a) As used in this article, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that: (1) A reasonable person under the circumstances should know will have the effect of any one or more of the following: (A) Physically harming a student; (B) Damaging a student's property; (C) Placing a student in reasonable fear of harm to his or her person; or (D) Placing a student in reasonable fear of damage to his or her property; (2) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or (3) Disrupts or interferes with the orderly operation of the school. *W. Va. Code Ann.* §18-2C-2.
Wisconsin	Bullying	No definition in state legislation
Wyoming	Harassment, intimidation, or bullying	(i) "Harassment, intimidation or bullying" means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of: (A) Harming a student physically or emotionally, damaging a student's property or placing a student in reasonable fear of personal harm or property damage; (B) Insulting or demeaning a student or group of students causing substantial

State	*Terms*	*Legislative Text*
		disruption in, or substantial interference with, the orderly operation of the school; or (C) Creating an intimidating, threatening or abusive educational environment for a student or group of students through sufficiently severe, persistent or pervasive behavior. *Wyo. Stat. Ann.* §21-4-312

Appendix D

Definitions of Cyberbullying and Electronic Communications in State Legislation

Definitions of Cyberbullying and Electronic Communications In State Legislation

State	Terms	Definition
Alabama	Electronic act	Written, electronic, verbal or physical acts. *Ala. Code* §16-28B-3
Alaska	--	No cyberbullying prohibition in legislation
Arizona	Electronic communication	Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops, at school sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists that include the following components: *Ariz. Rev. Stat.* §15-341-37
Arkansas	Electronic act	(3) "Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager; *Ark. Code Ann.* §6-18-514
California	Electronic act	(g) As used in this chapter, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. *Cal. Educ. Code* §32261
Colorado	--	No cyberbullying prohibition in legislation
Connecticut	--	No cyberbullying prohibition in legislation
Delaware	Use of data or computer software	(2)a. A statement prohibiting bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from kindergarten through grade 12. *Del. Code Ann. Tit. 14,* §4112D
Florida	Use of data or computer	(2)Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited: (a)During any education program or activity conducted by a public K-12 educational institution; (b)During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution; or (c)Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution. *Fla. Stat. Ann.* §1006.147 (b)"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that: 1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or 3. Has the effect of substantially disrupting the orderly operation of a school. *Fla. Stat. Ann.* §1006.147 (2) Perpetuation of conduct listed in paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by: Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school

State	Terms	Definition
		system; *Fla. Stat. Ann.* §1006.147
Georgia	Use of data or software	(a) As used in this Code section, the term "bullying" means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system; *Ga. Code Ann.* §20-2-751.4
Idaho	Use of communications technology	An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network. *Idaho Code* §18-917A
Illinois	Communications made electronically	'Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically. *105 Ill. Comp. Stat.* §27-23.7
Indiana	--	No cyberbullying prohibition in legislation
Iowa	Electronic act	a. "Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging. b. "Harassing" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act or conduct. *Iowa Code* §280.28
Kansas	Cyberbullying	(2)"Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites. *Kan. Stat. Ann.* §72-8256
Kentucky	Harassing communications	(1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she: (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication. *Ky. Rev. Stat. Ann.* §525.080
Louisiana	Cyberbullying	The term "cyberbullying" shall mean harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology or harassment, intimidation, bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property. *La. Rev. Stat. Ann.* §17:416.13 A. Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen.

State	Terms	Definition
		La. Rev. Stat. Ann. §14:40.7
Maine	Cyberspace, electronically communicated expression	For the purpose of this policy, "bullying" means any physical act or gesture or any verbally, written, or electronically communicated expression that. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally, in writing, or through cyberspace. Maine School Management Association Sample Policy (2006)
Maryland	Electronic communications	"Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager. *Md. Code Ann., Educ.* §7-424
Massachusetts	Cyberbullying	"Cyberbullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyberbullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyberbullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. *Mass. Gen. Laws* §71-37O
Michigan	--	No state legislation
Minnesota	Electronic forms	Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use. *Minn. Stat.* §121A.0695
Mississippi	Electronic communication	"Bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication *Miss. Code Ann.* §37-11-67
Missouri	Cyberbullying or electronic communication	2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. *Mo. Rev. Stat.* §160.775
Montana	--	No state legislation
Nebraska	Electronic abuse	Bullying means any ongoing pattern of physical, verbal, or electronic abuse. *Neb. Rev. Stat.* §792-2,137
Nevada	Cyberbullying, electronic communication	"Cyberbullying" means bullying through the use of electronic communication. *Nev. Rev. Stat. Ann.* §388.123
		"Electronic communications" means the communication of any written, verbal, or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication. *Nev. Rev. Stat. Ann.* §388.124
New Hampshire	Cyberbullying	I. (a) "Bullying" means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which: (1) Physically harms a pupil or damages the pupil's property; (2) Causes emotional distress to a pupil;

State	Terms	Definition
		(3) Interferes with a pupil's educational opportunities; (4) Creates a hostile educational environment; or (5) Substantially disrupts the orderly operation of the school. (b) "Bullying" shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs. II. "Cyberbullying" means conduct defined in paragraph I of this section undertaken through the use of electronic devices. III. "Electronic devices" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. IV. "Perpetrator" means a pupil who engages in bullying or cyberbullying. V. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans. VI. "Victim" means a pupil against whom bullying or cyberbullying has been perpetrated. *N.H. Rev. Stat. Ann.* §193-F:3
New Jersey	Electronic communication	"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager; "Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that: a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; b. has the effect of insulting or demeaning any student or group of students; or c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student. *N.J. Stat. Ann.* §18A: 37-14
New Mexico	Electronic expression	(a) "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. *N.M. Admin. Code* §6.12.7.7
New York	--	No cyberbullying prohibition in legislation
North Carolina	Electronic communications, cyberbullying	(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school sponsored function, or on a school bus, and that: (1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or (2) Creates or is certain to create a hostile environment by substantially

State	Terms	Definition
		interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior. *N.C. Gen. Stat* §115C 407.15 (a) Except as otherwise made unlawful by this Article, it shall be unlawful for any person to use a computer or computer network to do any of the following: (1) With the intent to intimidate or torment a minor: a. Build a fake profile or Web site; b. Pose as a minor in: 1. An Internet chat room; 2. An electronic mail message; or 3. An instant message; c. Follow a minor online or into an Internet chat room; or d. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a minor. (2) With the intent to intimidate or torment a minor or the minor's parent or guardian: a. Post a real or doctored image of a minor on the Internet; b. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password protected account or stealing or otherwise accessing passwords; or c. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a minor. (3) Plant any statement, whether true or false, tending to provoke or that actually provokes any third party to stalk or harass a minor. (4) Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a minor for the purpose of intimidating or tormenting that minor (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network). (5) Sign up a minor for a pornographic Internet site. (6) Without authorization of the minor or the minor's parent or guardian, sign up a minor for electronic mailing lists or to receive junk electronic messages and instant messages, resulting in intimidation or torment of the minor. *N.C. Gen. Stat* §14-458.1
North Dakota	Technology or other electronic media	1. "Bullying" means: a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which: (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities; (2) Places the student in actual and reasonable fear of harm; (3) Places the student in actual and reasonable fear of damage to property of the student; or (4) Substantially disrupts the orderly operation of the public school; or b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which: (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities; (2) Places the student in actual and reasonable fear of harm; (3) Places the student in actual and reasonable fear of damage to property of the student; or

State	Terms	Definition
		(4) Substantially disrupts the orderly operation of the public school. 2. "Conduct" includes the use of technology or other electronic media. *N.D. Cent. Code* 15.1-19 §1-2
Ohio	--	No cyberbullying prohibition in legislation
Oklahoma	Electronic communications	1. "Harassment, intimidation, and bullying" means any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. "Harassment, intimidation, and bullying" include, but are not limited to, gestures, written, verbal, or physical acts, or electronic communications; 2. "At school" means on school grounds, in school vehicles, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events; 3. "Electronic communication" means the communication of any written, verbal, or pictorial information by means of an electronic device, including, but not limited to, a telephone, a cellular telephone or other wireless telecommunication device, or a computer; and 4. "Threatening behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel, or school property. *Okla. Stat. Ann.* §70-24-100.3 The policy shall: 1. Specifically prohibit threatening behavior, harassment, intimidation, and bullying by students at school and by electronic communication, whether or not such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school; *Okla. Stat. Ann.* §70-24-100.4
Oregon	Cyberbullying	"Cyberbullying" means the use of any electronic communication device to harass, intimidate or bully. *Or. Rev. Stat.* §339.351
Pennsylvania	Electronic act	(e) For purposes of this article, "bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts: (1) directed at another student or students; (2) which occurs in a school setting; (3) that is severe, persistent or pervasive; and (4) that has the effect of doing any of the following: (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school; and "school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school. *Pa. Cons. Stat.* §13-1303.1-A
Rhode Island	Electronic communications	"Electronic" communications shall include any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text-messaging device and/or personal data assistance device. *R.I. Gen. Laws* §16-21-26
South Carolina	Electronic	"Harassment, intimidation, or bullying" means a gesture, an electronic

State	Terms	Definition
	communications	communication, or a written, verbal, physical, or sexual act. *S.C. Code Ann.* §59-63-120
South Dakota	--	No state legislation
Tennessee	--	No cyberbullying prohibition in legislation
Texas	--	No cyberbullying prohibition in legislation
Utah		(3) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication. *Utah Code Ann.* §53A-11a-102 (1) As used in this section: (a) "Adult" means a person 18 years of age or older. (b) "Electronic communication" means any communication by electronic, electro-mechanical, or electro-optical communication device for the transmission and reception of audio, image, or text but does not include broadcast transmissions or similar communications that are not targeted at any specific individual. (c) "Electronic communication device" includes telephone, facsimile, electronic mail, or pager. (d) "Minor" means a person who is younger than 18 years of age. (2) A person is guilty of electronic communication harassment and subject to prosecution in the jurisdiction where the communication originated or was received if with intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, the person: (a) (i) makes repeated contact by means of electronic communications, whether or not a conversation ensues; or (ii) after the recipient has requested or informed the person not to contact the recipient, and the person repeatedly or continuously: (A) contacts the electronic communication device of the recipient; or (B) causes an electronic communication device of the recipient to ring or to receive other notification of attempted contact by means of electronic communication; (b) makes contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any person at the receiving location in a manner likely to provoke a violent or disorderly response; (c) makes contact by means of electronic communication and threatens to inflict injury, physical harm, or damage to any person or the property of any person; or (d) causes disruption, jamming, or overload of an electronic communication system through excessive message traffic or other means utilizing an electronic communication device. (3) (a) (i) Electronic communication harassment committed against an adult is a class B misdemeanor, except under Subsection (3)(a)(ii). (ii) A second or subsequent offense under Subsection (3)(a)(i) is a: (A) class A misdemeanor if all prior violations of this section were committed against adults; and (B) a third degree felony if any prior violation of this section was committed against a minor. (b) (i) Electronic communication harassment committed against a minor is a class A misdemeanor, except under Subsection (3)(b)(ii). (ii) A second or subsequent offense under Subsection (3)(b)(i) is a third degree felony, regardless of whether any prior violation of this section was committed against a minor or an adult. (4) (a) Except under Subsection (4)(b), criminal prosecution under this section

State	Terms	Definition
		does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of any of the offenses under this section. (b) This section does not create any civil cause of action based on electronic communications made for legitimate business purposes. *Utah Code Ann.* §76-9-201
Vermont	--	No cyberbullying prohibition in legislation
Virginia	Cyberbullying	Another form of bullying occurs through the use of electronic means and is referred to as cyber bullying. Typically, cyber bullying is defined as using information and communication technologies, such as cell phone text messages and pictures and internet e-mail, social networking Web sites, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate, hostile, behavior intended to harm others. Student Conduct Policy Guidelines (2009)
Washington	Electronic act	Behaviors/Expressions — Harassment, intimidation, or bullying can take many forms including, but not limited to slurs, rumors, jokes, innuendos, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical, or electronically transmitted messages or images. Prohibition of Harassment, Intimidation and Bullying Policy No. 3027 (2010) Harassment, intimidation, or bullying — is an intentional electronic, written, verbal, or physical act that: (A) Physically harms a student or damages the student's property. (B) Has the effect of substantially interfering with a student's education. (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment. (D) Has the effect of substantially disrupting the orderly operation of the school. Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators. Conduct that may rise to the level of harassment, intimidation, and bullying may take many forms, including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation, or bullying. Prohibition of Harassment, Intimidation and Bullying Policy No. 3027P (2010)
West Virginia	Electronic act	(b) As used in this article, an electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device. *W. Va. Code Ann.* §18-2C-2
Wisconsin	--	No cyberbullying prohibition in legislation
Wyoming	Intentional electronic communication	"Harassment, intimidation or bullying" means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act. *Wyo. Stat. Ann.* §21-4-312

Appendix E

State Guidance and Model Policies By Legislative Requirement

State Model Policies and Guidance by Legislative Requirement

State	SMP Required by Law	SMP Required by Date	Document Title
Alabama	Yes	None	ALSDE Model Anti-Harassment Policy
Alaska	Yes	1/1/2007	Sample Issues and Areas to Consider When Developing Local Policies for Harassment, Intimidation, and Bullying School Discipline and Safety – Harassment, Intimidation and Bullying – AR 5030(a-b), AR 5131.43(a-b), BP 5030(a-e), BP 5131.43(a-d), BP 5137
Arizona	No	--	NO MODEL POLICY
Arkansas	Yes	None	Recommendations for Writing Anti-Bullying Policies
California	Yes	None	Sample Policy for Bullying Prevention Sample Policy for Conflict Resolution
Colorado	Not mandated	--	Colorado School Violence Prevention and Student Discipline Manual
Connecticut	Yes	2/1/2010	Connecticut Asssociation of Boards of Education Sample Policy No. 5131.911(a-e)
Delaware	Yes	None	Delaware's Model Bully Prevention Policy
Florida	Yes	10/1/2008	Florida Department of Eduaction Model Policy Against Bullying and Harassment
Georgia	Yes	1/1/2011	Policy for Prohibiting Bullying, Harassment and Intimidation
Hawaii	No Law	--	Recommendations for Addressing Harassment in Hawaii Public Schools Hawaii Administrative Rule §8-19
Idaho	Not mandated	--	Idaho School Violence/Safety Policies/Procedures Manual
Illinois [a]	Yes	3/1/2011	NO MODEL POLICY
Indiana	No	--	NO MODEL POLICY
Iowa	Not mandated	--	Sample Anti-Bullying/Harassment Policy
Kansas [b]	No	--	NO MODEL POLICY
Kentucky	Yes	8/31/2008	Model Policies Related to Issues Found in KRS §158.156
Louisiana[c]	No	--	NO MODEL POLICY Harassment, Intimidation, Bullying, and Cyberbullying Behavior Checklist
Maine	Yes	2/15/2006	Maine School Management Association Sample Policy
Maryland	Yes	3/31/2009	Maryland's Model Policy to Address Bullying, Harassment, or Intimidation
Massachusetts	Yes	12/31/2010	Model Bullying Prevention and Intervention Plan
Michigan	No law	--	Model Anti-Bullying Policy
Minnesota	No	None	NO MODEL POLICY
Mississippi	Yes	2002–2003 School year	Mississippi School Safety Manual, School Safety Law and Policy Development
Missouri	Not mandated	--	Prohibition Against Illegal Discrimination and Harassment Hazing and Bullying

State	SMP Required by Law	SMP Required by Date	Document Title
Montana	No law	--	Hazing/Harassment/Intimidation/Bullying/Menacing, Policy No. 3226 Model Policy for School Districts on Harassment, Intimidation, and Bullying
Nebraska	Not mandated	--	Board Policy: Anti-Bullying Nebraska Department of Education Implementation Plan to Address Bullying in Schools Website: Considerations for Policy Development Website: Program Development Website: Staff Development Website: Parent Information
Nevada	Yes	None	Nevada Department of Education Model School District Policy – Safe and Respectful Learning Environment (SRLE)
New Hampshire	Not mandated	--	New Hampshire School Boards Association Sample Policy JICK Pupil Safety and Violence Prevention – Bullying
New Jersey	Yes	12/1/2002	Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses
New Mexico	Not mandated	--	School District Anti-Bullying Policy Guidance Document, School District Anti-Bullying Policy Sample
New York [d]	Yes	Legislation Not Effective yet (7/2012)	Guidance on Bullying and Cyberbullying
North Carolina	Not mandated	--	Policy for Anti-Harassment, Bullying, and Discrimination
North Dakota	No law	--	NO MODEL POLICY
Ohio	Yes	9/30/2007	Anti-Harassment, Anti-Intimidation or Anti-Bullying Model Policy
Oklahoma	Not mandated	--	Safe Schools Guide: Selected Strategies and Resources
Oregon	Not mandated	--	Memorandum No. 002-2009-10 – Harassment, Intimidation, and Bullying Policy and Procedures
Pennsylvania	Not mandated	--	Bullying/Cyberbullying, Policy No. 249
Rhode Island	Yes	12/1/2003	Guidance on Developing Required Policies Against Bullying A Guide to Preventing Bullying, Teen Dating Violence, and Sexual Violence in Rhode Island Schools
South Carolina [e]	Yes	9/1/2006	Model Policy Prohibiting Harassment, Intimidation or Bullying
South Dakota	No law	--	NO MODEL POLICY
Tennessee [f]	No	--	NO MODEL POLICY
Texas	No	--	NO MODEL POLICY
Utah	Yes	9/1/2008	Utah State Board of Education Rule §R277-609 USOE Model Policy Bullying and Hazing XYZ School District Student Discipline Model Policy
Vermont	Yes	1/1/2005	Model Bullying Prevention Plan
Virginia	Yes	None	Student Conduct Policy Guidelines Cyberbullying and School Policy

State	SMP Required by Law	SMP Required by Date	Document Title
Washington	Yes	8/1/2010	The Prohibition of Harassment, Intimidation and Bullying, Policy/Procedure No. 3207P
West Virginia	Yes	9/1/2001	State Board of Education Rule §126-18 – Racial, Sexual, Religious/Ethnic Harassment and Violence Policy, Policy No. 2421 State Board of Education Rule §126-99 – Student Code of Conduct, Policy No. 4373
Wisconsin	Yes	3/1/2010	Model Bullying Policy Bullying Prevention Policy Guidelines
Wyoming	Yes	9/1/2009	Anti Bullying Model Policy I Anti Bullying Model Policy II

[a] Illinois – Legislation establishes a Bullying Task Force that shall submit a report to the governor and the general assembly on any recommendations for preventing and addressing bullying in schools, and a proposed timeline for meeting the task force's charges identified in this section.

[b] Kansas – The State Department of Education provides copies of the other states' model bullying policies on their website, including those of Michigan, Nebraska, and Wisconsin.

[c] Louisiana – The State Department of Education is required by law to develop a behavior incidence checklist for documenting details of reported incidents. The behavior checklist was not included for the current analyses.

[d] New York – Commissioner has responsibilities to provide direction, which may include development of model policies. We spoke to a representative on the telephone, who stated it is a work-in-progress. The *Dignity for All Students Act* has been passed, but it is not effective until July 2012. So far, a task force has been formed, and it is in the preliminary stages.

[e] South Carolina – A footnote in South Carolina's Model Policy Prohibiting Harassment, Intimidation or Bullying indicated that it was adapted from New Jersey's Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses.

[f] Tennessee – Distributes *Tenn. Code. Ann.* §49-6-1016 in lieu of a state model policy, which is available upon request.

Appendix F

Definitions of Bullying: Within-State Comparisons Among State Legislation, State Model Policies, And School District Policies

Definitions of Bullying: Within-State Comparisons Among State Legislation, State Model Policies, and School District Policies

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
AZ	NO LEGISLATIVE DEFINITION	NO MODEL POLICY	Definition: Bullying is the act of systemically and chronically inflicting physical harm and/or psychological distress on others (to include, but not limited to, fear, anxiety, psychological and emotional harm).
CA	(f) As used in this chapter, "bullying" means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4. (g) As used in this chapter, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. *Cal. Educ. Code* §32261 (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. *Cal. Educ. Code* §48900 The department shall assess whether local educational agencies have done all of the following: (a) Adopted a policy that prohibits discrimination and harassment based on the characteristics set forth in Section 422.55 of the Penal Code and Section 220. *Cal. Educ. Code* §234.1 (a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or	The School District will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.	Harassment of students or staff, such as bullying, including cyberbullying, intimidation, hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering, in accordance with the section entitled "Bullying/Cyberbullying" below. "Cyberbullying" includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation or friendships.

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
	perceived characteristics of the victim: (1) Disability. (2) Gender. (3) Nationality. (4) Race or ethnicity. (5) Religion. (6) Sexual orientation. (7) Association with a person or group with one or more of these actual or perceived characteristics. (b) "Hate crime" includes, but is not limited to, a violation of Section 422.6. *Cal. Penal Code* §422.55 No person shall be subjected to discrimination on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. *Cal. Educ. Code* §220		
CO	"Bullying" means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events. The school district's policy shall include a reasonable balance between the pattern and the severity of such bullying behavior. *Colo. Rev. Stat.* §22-32-109.1	"Bullying" means any written or verbal expression, or physical act or gesture, or pattern thereof, intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events.	DEFINITION "Bullying" means any written, verbal or pictorial expression, physical act or gesture, or a pattern thereof by a student that is intended to cause distress upon one or more students and is sufficiently severe that it has the effect of: 1. Creating an intimidating, hostile, or significantly offensive environment for the learning or performance of school-sanctioned activities of any student; or 2. Unreasonably interfering with or disrupting the educational performance or participation in any other school-sanctioned activity of any student. EXAMPLES OF BULLYING Examples of acts that may constitute bullying include:

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
			• Derogatory written or pictorial communications in any media (e.g., letters, notes, voice mail, text messages, pager messages, newspaper articles, invitations, posters, photos, cartoons); • Derogatory verbal comments (e.g., name-calling, taunting, hostile teasing, spreading rumors, epithets, jokes, or slurs); • Threats of force or violence against a person's body, possessions or residence (e.g., obtaining food or money by threats of force); or • Physical conduct (e.g., provocative gestures, overly rough horseplay, restricting freedom of action or movement, violence, defacing or destruction of property). CYBERBULLYING Cyberbullying involves the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging, defamatory personal websites, and defamatory online personal polling websites, to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others. Cyberbullying will not be tolerated and will constitute the same levels of disciplinary action as other types of bullying.
CT	"Bullying" means any overt acts by a student or a group of students directed against another student with the intent to ridicule, humiliate, or intimidate the other student while on school grounds or at a school-sponsored activity which acts are repeated against the same student over time. *Conn. Gen. Stat.* §10-222d	For purposes of this policy, bullying' means any overt act(s) by a student or a group of students directed against another student with the intent to ridicule, harass, humiliate or intimidate the other student while on school grounds, at a school-sponsored activity or on a school bus, which act(s) are committed more than once against any student during the school year. This policy may include provisions addressing bullying outside of the school setting if it has a direct and negative impact on a student's academic performance or safety in school.	Bullying is defined as any overt acts by a student or groups of students directed against another student with the intent to ridicule, harass, humiliate, or intimidate the other student while on school grounds, at a school sponsored activity, or on a school bus, which acts are committed more than once against any student during the school year. Bullying which occurs outside of the school setting may be addressed by school officials if it has a direct and negative impact on a student's academic performance or safety in school. It can also be defined as repeated and systemic harassment and attacks on others, perpetrated by individuals or groups. Bullying takes many forms and may include many different behaviors, such as, but not limited to: •Physical violence and attacks; •Verbal/written taunts, name-calling, and put-downs,

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
			including ethnically or racially based verbal written abuse and gender-based verbal-written putdowns; •Threats and intimidation; •Extortion or stealing of money and possessions; •Exclusion from the peer group; •Sexually offensive.
GA	"Bullying" means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is: (1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; (2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or (3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that: (A) Causes another person substantial physical harm within the meaning of Code §16-5-23.1 or visible bodily harm as such term is defined in Code §6-5-23.1; (B) Has the effect of substantially interfering with a student's education; (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (D) Has the effect of substantially disrupting the orderly operation of the school. *Ga. Code Ann.* §20-2-751.4 (a) As used in this Code section, the term "bullying" means an act which occurs on	Definition of Terms A. Bullying: In accordance with O.C.G.A. §20-2-751.4, bullying means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is: 1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; 2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or 3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that: i. Causes another person substantial physical harm within the meaning of O.C.G.A. §16-5-23.1 or visible bodily harm as defined in O.C.G.A. §16-5-23.1; ii. Has the effect of substantially interfering with a student's education; iii. Is so severe, persistent, or pervasive that it creates an intimidating or threatening education environment; or iv. Has the effect of substantially disrupting the orderly operation of the school. B. Harassment and Intimidation: Harassment and intimidation means any gesture or written, verbal, or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic including race, color, ethnicity, religion, gender, sexual orientation, ancestry, national origin, physical attributes, socioeconomic status, physical or mental ability or disability, or by any other	Bullying behavior is defined as: • Willful attempt or threat to inflict injury on another person when accompanied by an apparent present ability to do so or; • Intentionally Exhibiting a display of force such as would give the victim reason to fear or expect immediate bodily harm, or; • Any intentional written, verbal or physical act, which a reasonable person would perceive as being intended to threaten, harass or intimidate that: • Causes substantial physical harm or bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts; • Has the effect of substantially interfering with the victim student's education; • Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or • Has the effect of substantially disrupting the orderly operation of the school.

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
	school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system; *Ga. Code Ann.* §20-2-751.4	distinguishing characteristic, that takes place on school property, at any school-related functions or activities or on a school bus and that: 1) A reasonable person should know, under the circumstances, will have the effect of harming a student or school employee or damaging his or her property; 2) Has the effect of substantially interfering with a student's educational performance, or school employee's work performance, or either's opportunities, or benefits; 3) Has the effect of having a substantial negative impact on a student's or a school employee's emotional or psychological well-being; or 4) Has the effect of insulting or demeaning any student or school employee in such a way as to cause substantial disruption in, or substantial interference with, or the orderly operation of the school. C. Visible Bodily Harm: In accordance with O.C.G.A. §16-5-23.1, visible bodily harm is defined as bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts. Cyberstalking or engaging in conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to the victim Cyberbullying or the willful, hostile and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social networking websites (e.g. MySpace, Facebook, etc.) chat rooms, texts, and instant messaging.	
IN	"Bullying" means overt, repeated acts or gestures, including : (1) verbal or written communications transmitted; (2) physical acts committed; or any other behaviors committed; (3) by a student or group of students against another student with the intent to	NO MODEL POLICY	Bullying is defined as any act of threatening or intimidating behavior with the intent to harass, ridicule, humiliate, intimidate or harm another student. This includes engaging in the act of bullying while using school provided equipment or property. The act of "bullying" means overt, repeated acts or gestures that may be verbal, written communications or physical acts or any other behavior that fits the definition above.

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
	harass, ridicule, humiliate, intimidate, or harm the other student. *Ind. Code Ann.* §20-33-8		
LA	The terms "harassment," "intimidation," and "bullying" shall mean any intentional gesture or written, verbal, or physical act that: (a) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and (b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student. *La. Rev. Stat. Ann.* §416.13 The term "cyberbullying" shall mean harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology or harassment, intimidation, bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property. *La. Rev. Stat. Ann.* §17:416.13 A. Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen. *La. Rev. Stat. Ann.* §14:40.7	NO MODEL POLICY	Threat, bullying, intimidation and harassment shall mean any intentional gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a student or damaging his/her property or placing a student in reasonable fear of harm to his/her life or person or damage to his/her property and is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student. Threats, harassment, intimidation, bullying, including cyberbullying, shall also include maliciously written, printed, or the use of a computer or other electronic means to send electronic mail or electronically communicate to any person, verbal or a physical act to the person, property, or reputation of another, with the intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will.
MD	"Bullying, harassment, or intimidation" means intentional conduct, including	II. Definition of Bullying, Harassment, or Intimidation. As used in this policy, "bullying, harassment, or intimidation"	Purpose The purpose of this policy is to ensure all students a

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
	verbal, physical, or written conduct, or an intentional electronic communication, that: (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is: 1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or 2. Threatening or seriously intimidating; and (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or 2. Substantially disrupts the orderly operation of a school. *Md. Code. Ann., Educ.*§7-424 "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager. *Md. Code. Ann., Educ.*§7-424	means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is: motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or, threatening or seriously intimidating; and, occurs on school property, at a school activity or event, or on a school bus; or, substantially disrupts the orderly operation of a school. "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.	school environment that is free from bullying, harassment, and intimidation. II. Policy Statement It is the policy of [school district name] to prohibit bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at a [school district name] public school. Further, it is the policy of [school district name] to prohibit the reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation. Bullying definition Bullying, harassment, or intimidation: Intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance or with a student's physical or psychological well-being and is: motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or threatening or seriously intimidating; and occurring on school property, at a school activity, or on a school bus; or substantially disruptive to the orderly operation of a school. Electronic communication: A communication transmitted by means of an electronic device, including but not limited to a telephone, cellular phone, computer, or pager.
MI	NO LEGISLATION	"Harassment or bullying" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts — i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held device) that is reasonably perceived as being motivated either by any actual or	B. PROHIBITED CONDUCT 1. Bullying, taunting, hazing, and other forms of harassment, is the physical or verbal communication (written or oral) directed toward a student or a student's property or possessions by another student or staff

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
		perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle. "Harassment" is conduct that meets all of the following criteria: • is directed at one or more pupils; • substantially interferes with educational opportunities, benefits, or programs of one or more pupils; • adversely affects the ability of a pupil to participate in or benefit from the school district's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and, • is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics. "Bullying" is conduct that meets all of the following criteria: • is directed at one or more pupils; • substantially interferes with educational opportunities, benefits, or programs of one or more pupils; • adversely affects the ability of a pupil to participate in or benefit from the school district's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress; and, • is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.	member in a single incident or on repeated occasions. 2. Bullying is the hostile, intimidating, provoking, threatening, or objectively offensive conduct which has the purpose or effect of disrupting and interfering with the ability of students to attend school or participate in school activities in an environment conducive to learning and to courteous and peaceable social interaction. 3."Garret's Law," M.C.L.A. 750.411t, prohibits a person who attends, is employed by, or is a volunteer of an educational institution from engaging in or participating in the hazing of an individual. This law applies to those attending the high school and junior high schools of the School District. "Hazing" is defined as an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization and includes: •Physical/brutality, such as whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity. •Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual. •Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual. •Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing. •Activity that is normal and customary in an athletic, physical education, military training, or similar program

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
			sanctioned by the educational institution is excluded. A student who engages in or participates in the hazing of an individual in violation of "Garret's Law" shall be subject to discipline from the School District in addition to any criminal punishment. •Sexual harassment is unwelcomed sexual advances or any form of sexual remarks or non-consensual sexual contact of a student by a student or any member of the staff. •Other prohibited conduct constituting harassment includes conduct, physical or verbal communication (written or oral), which has the purpose or effect of creating an intimidating, provoking, hostile, discriminatory, or objectively offensive environment on the basis of gender, religion, race, color, national origin or ancestry, age and/or disability that disrupts or interferes with a student's ability to attend school or participate in school activities in an environment conductive to learning and to courteous and peaceable social interaction. C. OTHER PROHIBITED CONDUCT Bullying, taunting, stalking, hazing and other forms of harassment, including sexual harassment by students or staff members, fellow students, or other persons present on the school premises or at a school activity (e.g. visiting speakers, athletic team members, volunteer and/or parent) is strictly forbidden. Any student found to have harassed a staff member, student, or other person present on school premises or at a school activity, will be subject to discipline in accordance with the Code of Conduct and applicable laws.
MO	"Bullying" means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. *Mo. Rev. Stat.* §160-775	Harassment — A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment. Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, sex, national origin, ancestry, disability, age or any other characteristic	Bullying is the intentional action by an individual or group of individuals to inflict physical, emotional or mental suffering on another individual or group of individuals. The District is committed to maintaining a learning and working environment free of any form of bullying or intimidation by students toward District personnel or students on school grounds, or school time, at a school sponsored activity or in a school related context. Bullying occurs when a student:

State	Legislative Definition	State Model Policy Definition	School District Policy Definition
		protected by law or a belief that such a characteristic exists: graffiti; display of written material or pictures; name calling; slurs; jokes; gestures; threatening, intimidating or hostile acts; theft; or damage to property. Bullying — For purposes of this policy, bullying is defined as intimidation or harassment of a student or multiple students perpetuated by individuals or groups. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; or threats of retaliation for reporting such acts. Bullying may also include cyberbullying or cyberthreats. Cyberbullying is sending or posting harmful or cruel text or images using the Internet or other digital communication devices. Cyberthreats are online materials that threaten or raise concerns about violence against others, suicide or self-harm.	Communicates with another by any means including telephone, writing, cyberbullying or via electronic communications, with the intent to intimidate, or inflict physical, emotional, or mental harm without legitimate purpose, or Physically contacts another person with the intent to intimidate or to inflict physical, emotional, or mental harm without legitimate purpose. Physical contact does not require physical touching, although touching may be included.
NV	"Bullying" means a willful act or course of conduct on the part of one or more pupils which is not authorized by law and which exposes a pupil repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and is intended to cause and actually causes the pupil to suffer harm or serious emotional distress. *Nev. Rev. Stat. Ann.* §388.122 "Cyberbullying" means bullying through the use of electronic communication. *Nev. Rev. Stat. Ann.* §388.123 "Electronic communications" means the communication of any written, verbal, or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication. *Nev. Rev. Stat. Ann.* §388.124 "Harassment" means a willful act or course of conduct that is not otherwise authorized	The XXXXX School District shall assure that any person who believes that he or she has been a victim of bullying, cyber-bullying, harassment, and/or intimidation as defined by NRS 388.125 and/or NRS 388.129 (See Appendix B) by any or all individuals as specified by NRS 388.135 (Appendix C) is encouraged and instructed to adhere to the following reporting mechanism.	Definition of Bullying. Bullying is distinguishable from roughhousing or friendly teasing in that bullying is intentionally hurtful and motivated by the desire to harm the victim. For the purpose of this policy, bullying consists of repeated systematic abuse and harassment of a person or persons by another. Bullying is usually characterized by the following seven elements: 1. A desire to hurt or harm motivates the perpetrator. 2. This desire to hurt or harm results in hurtful or harmful action(s) taken by the perpetrator. 3. A formal or informal power imbalance exists between the perpetrator and the victim. 4. The action(s) taken by the perpetrator are manifestations of the unjust use of power. 5. The perpetrator enjoys carrying out the action(s). 6. The victim has a sense of being oppressed. 7. The perpetrator typically repeats the hurtful or harmful actions against the victim.

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	by law and: Is highly offensive to a reasonable person, and Intended to cause and actually causes another person to suffer serious emotional distress. *Nev. Rev. Stat. Ann.* §388.125 "Intimidation" means a willful act or course of conduct that is now otherwise authorized by law and: Is highly offensive to a reasonable person; and Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person. *Nev. Rev. Stat. Ann.* §388.129		
NM	A. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation. B. "Department" means the public education department. C. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person. *N.M. Admin. Code* §6.12.7.7	Definitions 1. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation. 2. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person. 3. "Disability Harassment" is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the district. Harassment and Disability Harassment include but are not limited to: a. Verbal acts, teasing, use of sarcasm, jokes; b. Name-calling, belittling; c. Nonverbal behavior such as graphic or written statements; d. Conduct that is physically threatening, harmful, or humiliating; or	A. Definitions 1. "Unlawful harassment" means verbal or physical conduct based on a student's actual or perceived race, color, national origin, gender, religion, or disability and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students and hazing are addressed by separate Board policies. See Policy Nos. A-0300-ACA. 2. "Bullying" or "intimidation" means intimidating or offensive verbal or physical conduct toward a student, including through electronic media, when such conduct is habitual or recurring, including, but not limited to, verbal or physical confrontation, threats, stalking and name-calling. 3. "Name-calling," means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student's actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments are clearly unwelcome, inappropriate, or offensive by their nature.

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		e. Inappropriate physical restraint by adults. 4. "Racial Harassment" consists of physical or verbal conduct relating to an individual's race when the conduct: a. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment; b. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or c. Otherwise adversely affects an individual's academic opportunities. 5. "Sexual Harassment" means any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances: a. When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or b. Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual's education; or c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile or offensive educational environment. 6. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization, or for any other purpose. Hazing includes but is not limited to: a. Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body. b. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subject the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.	

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		c. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student. d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school. e. Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or district policies.	
NY	"Harassment" shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. *N.Y. Educ. Law* §11	Bullying is "aggressive behavior that is intentional and involves an imbalance of power or strength. Usually, it is repeated over time. Cyberbullying, which is sometimes referred to as online social cruelty or electronic bullying, can involve: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad; (or) intentionally excluding someone from an online group. Intimidation, Harassment, Menacing, and Bullying are defined as: "Threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process." Cyberbullying, unlike physical bullying, does not provide an option for its victims to walk away. NYSDCJS defines sexting as "sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or email." Cyberbullying is a form of electronic aggression and that both it and sexting are inappropriate and will not be tolerated on school grounds or at school-	Engaging in intimidating and bullying behavior, including cyberbullying — threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm; taunting and/or intimidation including through the use of epithets or slurs involving actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, religious practices, gender, gender identity, gender expression, sexual orientation or disability.

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		sponsored events or functions, using either school or personal information technology equipment.	
OH	"Harassment, intimidation, or bullying" means either of the following: (1) Any intentional written, verbal, or physical act that a student has Exhibited toward another particular student more than once and the behavior both: (a) Causes mental or physical harm to the other student; (b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student. (2) Violence within a dating relationship. *Ohio Rev. Stat. Ann.* §3313.666	3.1. Harassment, intimidation or bullying means any intentional written, verbal, graphic, or physical act that a student or group of students Exhibited toward other particular student more than once and the behavior both: 3.1.1. Causes mental or physical harm to the other student; and 3.1.2. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student. 3.2. Harassment, Intimidation or Bullying also means electronically transmitted acts i.e., Internet, cell phone, personal digital assistance (PDA) or wireless hand-held device that a student has Exhibited toward another particular student more than once and the behavior both: 3.2.1. Causes mental or physical harm to the other student/school personnel; and 3.2.2. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student/school personnel. 3.3. In evaluating whether conduct constitutes harassment, intimidation or bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.	Harassment, intimidation or bullying by one student toward another particular student or students means either of the following: (1) an intentional written, verbal, or physical act that occurs more than once and the behavior both causes mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student, or (2) violence within a dating relationship.
PA	"Bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts: (1) Directed at another student or students; (2) Which occurs in a school setting; (3) That is severe, persistent or pervasive; and (4) That has the effective of doing any of the following: Substantially interfering with a student's	Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting and/or outside a school setting, that is severe, persistent or pervasive and has the effect of doing any of the following: 1. Substantial interference with a student's education. 2. Creation of a threatening environment. 3. Substantial disruption of the orderly operation of the school. Bullying, as defined in this policy, includes cyberbullying.	A student is being bullied if s/he is exposed repeatedly over time to negative actions by one or more individuals. A bully is defined as an individual who repeatedly engages in negative actions toward others. Negative actions include physical, verbal, or indirect actions that are intended to inflict physical or emotional discomfort upon another and can result in cruel rumors, false accusations, and social isolation. These actions may include, but are not limited to: 1. Name calling. 2. Teasing.

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	education; Creating a threatening environment; or Substantially disrupting the orderly operation of the schools; and "school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised, or sanctioned by the school. *24 Pa. Cons. Stat.* §13-1303.1-A		3. Threatening looks. 4. Gestures. 5. Note writing. 6. Electronic communication. 7. Extortion. 8. Physical intimidation. 9. Threats. 10. Assault
SC	"Harassment, intimidation, or bullying" means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of: (a) harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage; or (b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school. *S.C. Code Ann.* §59-63-120	The district board of trustees establishes that "harassment, intimidation or bullying" means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that takes place on school property, at any school-sponsored function where the school is responsible for the child or on a school bus or other school related vehicle, at an official school bus stop and that: a) a reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student, physically or emotionally, or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or b) 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.	For purposes of this policy, harassment, intimidation or bullying is defined as a gesture, electronic communication, or a written, verbal, physical, emotional or sexual act reasonably perceived to have the effect of any of the following: •harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage •insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school •demonstrates motivation by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic.
TX	"Bullying" means engaging in written or verbal expression or physical conduct that a school district board of trustees or the board's designee determines: (1) will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.	NO STATE MODEL POLICY	Bullying occurs when a student or group of students engages in written or verbal expression or physical conduct that: 1. Will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or 2. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and

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	Tex. Educ. Code Ann. §25.0342 "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety. *Tex. Educ. Code Ann.* §37.001		ostracism. Bullying or harassment, which may include the following offenses: Committing extortion, coercion, or blackmail, or forcing an individual to act through the use of force of threat of force. Making ethnic, racial or religious slurs or any other harassment based on race, color, national origin, religion, or disability. Verbal abuse or derogatory or offensive remarks addressed to others Damaging or vandalizing property of other students. Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors. Dating violence, meaning the intentional use of physical, sexual, verbal or emotional abuse to harm, threaten, intimidate, or control another person in a dating relationship.
UT	(1)(a)"Bullying" means intentionally or knowingly committing an act that: (i) (A) endangers the physical health or safety of a school employee or student; (B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; (C) involves consumption of any food, liquor, drug, or other substance; (D) involves other physical activity that endangers the physical health and safety of a school employee or student; or (E) involves physically obstructing a school employee's or student's freedom to move; and (ii) is done for the purpose of placing a school employee or student in fear of: (A) physical harm to the school employee or student; or (B) harm to property of the school employee or student.	"Bullying" means behavior that: (1) is intended to cause harm or distress; (2) exists in a relationship in which there is an imbalance of power; (3) may be repeated over time; and (4) may also include definitions provided in §53A-lla-102. USOE MODEL POLICY: BULLYING AND HAZING Definitions A. "Bullying" means intentionally or knowingly committing an act that: 1. endangers the physical health or safety of a school employee or student; a. involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; b. involves forced or involuntary consumption of any food, liquor, drug, or other substance; c. involves forced or coerced actions or activities of a sexual nature or with sexual connotations; d. involves other physical activity that endangers the physical health and safety of a school employee or student; or e. involves physically obstructing a school employee's or student's freedom to move; and	Bullying means intentionally or knowingly committing an act that is done for the purpose of placing a school employee or student in fear of: 1) physical harm to the school employee or student or 2) harm to property of the school employee or student. Acts of bullying may include: 1) endangerment to the physical health or safety of a school employee or student; 2) any brutality of a physical nature such as shipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements to a school employee or student; 3) forced or unwilling consumption of any food, liquor, drug, or other substance by a school employee or student; 4) other physically obstructing a school employee's or student's freedom to move. The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or

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	(b) The conduct described in Subsection (1)(a) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. *Utah Code* §53A-11a-102 (4) "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual. *Utah Code* §53A-11a-102 (5) (a) "Hazing" means intentionally or knowingly committing an act that: (i) (A) endangers the physical health or safety of a school employee or student; (B) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; (C) involves consumption of any food, liquor, drug, or other substance; (D) involves other physical activity that endangers the physical health and safety of a school employee or student; or (E) involves physically obstructing a school employee's or student's freedom to move; and (ii) (A) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or (B) if the person committing the act against a school employee or student	2. is done for the purpose of placing a school employee or student in fear of: a. physical harm to the school employee or student; or b. harm to property of the school employee or student. 3. The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. B. "Hazing" means intentionally or knowingly committing an act that: 1. endangers the physical health or safety of a school employee or student; a. involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; b. involves consumption of any food, liquor, drug, or other substance; c. involves forced or coerced actions or activities of a sexual nature or with sexual connotations; d. involves other physical activity that endangers the physical health and safety of a school employee or student; or e. involves physically obstructing a school employee's or student's freedom to move; and 2. is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or 3. if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in. 4. The conduct described in above constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. C. "Cyberbullying" means the use of email, instant	acquiesced in, the conduct. Cyberbullying means the use of email, instant messaging, chat rooms, pagers, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of a) physical harm to the school employee or student; or b) harm to property of the school employee or student.

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	knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in. *Utah Code* §53A-11a-102	messaging, chat rooms, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of: 1. physical harm to the school employee or student; or 2. harm to property of the school employee or student. Utah Admin. Code R277-609	
VA	NO LEGISLATIVE DEFINITION A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; *Va. Code Ann.* §22.1-279.6	Non-criminal behavior associated with bullying includes intimidation, taunting, name-calling, and insults. The definition developed for the Virginia Department of Education Annual Discipline, Crime, and Violence Report is "repeated negative behaviors intended to frighten or cause harm" that may include, but are not limited to, verbal or written threats or physical harm. Another form of bullying occurs through the use of electronic means and is referred to as cyber bullying. Typically, cyber bullying is defined as using information and communication technologies, such as cell phone text messages and pictures and internet e-mail, social networking Web sites, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate, hostile, behavior intended to harm others. Sample Conduct Standard: Bullying (2009) Students, either individually or as part of a group, shall not harass or bully others. The following conduct is illustrative of bullying: 1. Physical intimidation, taunting, name calling, and insults 2. Comments regarding the race, gender, religion, physical abilities or characteristics of associates of the targeted person 3. Falsifying statements about other persons 4. Use of technology such as e-mail, text messages, or Web sites to defame or harm others. Student Conduct Policy Guidelines (2009)	Bullying - A pattern of aggressive, intentional or deliberately hostile behavior that occurs repeatedly and over time. Bullying behaviors normally fall into three categories, physical, emotional and verbal, and may include, but are not limited to, intimidation, assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks; gestures, or actions; rumors; false accusations; hazing, social isolation, and cyberbullying.

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