

HB

45

<TARGET><BILL>HB 45</BILL><SUBJECT>HB
45</SUBJECT><COMM>HEDC28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Session:

State Capitol, Room 501
Juneau, AK 99801

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Email: Rep.Mia.Costello@akleg.gov

Interim:

716 West Fourth Avenue
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REPRESENTATIVE MIA COSTELLO
District 20 - Jewel Lake, Sand Lake, & Kincaid

MEMORANDUM

Date: March 3, 2014

To: Representative Lynn Gattis, Chairman
House Education Committee

From: Representative Mia Costello

CC: Representative Gattis, Representative Hughes, Representative Josephson

Re: Request to hear HB 45: "An Act relating to harassment, intimidation, or bullying by students attending a public school in the state."

I respectfully request a hearing for House Bill 45. Please feel free to contact Sarah Page at 465-4968 with any questions.

Attached you will find the following:

1. HB 45
2. Sponsor Statement
3. Sectional Analysis
4. Letters of Support



REPRESENTATIVE MIA COSTELLO
Member, House Finance Committee

Sponsor Statement
House Bill 45

"An Act relating to harassment, intimidation, or bullying by students attending a public school in the state"

House Bill 45 requires Alaskan school districts to develop a policy against electronic bullying, commonly known as "cyberbullying". Cyberbullying is a type of harassment conducted through any electronic means. This may occur during school hours or at school-sponsored events, off of school property or outside of a school-sponsored activity.

The rates of cyberbullying and electronic victimization have varied over the years in which the age of people using electronic devices has lowered. Anywhere from 15-35 percent of teens have experienced some form of cyberbullying. While traditional bullying is still more common than cyberbullying, the latter has become more prevalent amongst teens because they can fearlessly harass people, in many cases by hiding their identity. Youth have been misusing technology, especially in terms of cyberbullying and social networking. Since proof of this type of harassment exists only in the virtual world, these youth ultimately think of themselves as blameless. This law would remind educators and administrators of our school districts that the virtual realm is a part of daily life that we should teach our children how to safely and respectfully interact within.

Currently, 18 states include "cyberbullying" in their bullying laws. Also, five other states have anti-cyberbullying laws pending. Wisconsin, Montana, and Alaska are the only states which do not include "electronic harassment" in their bullying laws.

This bill was suggested by a Dimond High School senior. Our students deserve to learn and grow without threats to their well-being, whether they come from the real or virtual world. Schools should be an environment where students can expect safety from their leaders and kindness from their peers. This bill helps to ensure that.

I ask for your support with HB 45.

SESSION:
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rep.mia.costello@legis.state.ak.us
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Sand Lake, Jewel Lake and Kincaid

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House Bill 45

“An Act relating to harassment, intimidation, or bullying by students attending a public school in the state.”

Sectional Analysis

Section 1 – removes “whether verbal or physical” from AS 14.33.220(b). Removing this specification implies that this bill refers to bullying through any action, regardless of the means of communication.

Section 2 – inserts “electronic communication” as a possible form of harassment in AS 14.33.250(2). Currently, schools are required by statute to have anti-bullying policies. This section requires school districts to expand their anti-bullying policies to cover cyberbullying as well.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 45
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB045-EED-SSA-3-16-14
Title: ELECTRONIC BULLYING IN SCHOOLS
Sponsor: ** COSTELLO, GATTIS
Requester: House Education Committee

Department: Department of Education and Early Development
Appropriation: Teaching and Learning Support
Allocation: Student and School Achievement
OMB Component Number: 2796

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial Version

Prepared By:	<u>Susan McCauley, Director</u>	Phone:	(907)465-2857
Division:	<u>Division of Teaching & Learning Support</u>	Date:	03/16/2014 09:10 AM
Approved By:	<u>Mike Hanley</u>	Date:	03/16/14
Agency:	<u>Commissioner</u>		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB045

Analysis

This legislation clarifies the current statute, AS 14.33.200 (Harassment, intimidation, and bullying policy) by including "electronic communication" in the definition of "harassment, intimidation or bullying." This addresses the issue of "cyber bullying" and requires such incidents to be reported to an appropriate school official. Additionally, this legislation amends AS 14.33.250 (Definitions) to include electronic or oral communication.

The existing statute includes written, oral or physical act as the definition of harassment, intimidation or bullying. All districts have safe guards in place, as outlined in the district education technologies plan, that address "cyber bullying" issues and currently report incidents of "harassment, intimidation or bullying" to the department.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

December 31, 2012

SUBJECT: Cyberbullying (Work Order No. 28-LS0256\A)

TO: Representative Mia Costello

FROM: Jean M. Mischel
Legislative Counsel

Enclosed is a bill draft that includes electronic communications in the definition of "harassment, intimidation, and bullying" by a public school student for disciplinary purposes. The issue raises possible free speech challenges and overlaps with current crimes that encompass the concept. An overview of those issues is provided below. In my opinion, however, AS 14.33.250, as amended by the enclosed bill draft, is likely to be upheld if challenged.

1. Current school discipline law pertaining to cyberbullying.

"Cyberbullying" is a term that has been coined to refer to bullying as intimidation or harassment through use of the Internet or telephones. Some states regulate the behavior as an "electronic act." Idaho specifies that an act of harassment, intimidation, or bullying may be committed through the use of a land line or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network. A South Carolina statute provides that "harassment, intimidation, or bullying" means "a gesture, an electronic communication, or a written, verbal, physical, or sexual act"

Our current school discipline statutes define harassment, intimidation, or bullying under AS 14.33.250 as

. . . *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; [emphasis added].

An "intentional written, oral, or physical act" does not, in my opinion, exclude threats spoken through a telephone or voice messaging system. Similarly, typing a threat as a text message or on a keyboard does not mean it is not written. The statutes as currently written, therefore, arguably already cover cyberbullying. The issue as discussed below, however, may warrant clarification to avoid a free speech challenge for electronic expressions made off-campus in order to provide a jurisdictional link for imposing school discipline.

2. First amendment implications of off-campus conduct.

Providing for school discipline for cyberbullying must necessarily address the obvious issues of whether a school can extend its jurisdictional reach to off-campus activities and the potential for a first amendment challenge.

The United States Supreme Court had occasion in 2007 to review off-campus speech for the purpose of determining whether an Alaska school had jurisdiction to impose disciplinary sanctions on a student and whether the speech was otherwise protected by first amendment free speech principles. In that case, *Morse v. Frederick*, 551 U.S. 393 (2007), a Juneau high school student unfurled a banner conveying what the Court construed as a message encouraging illegal drug use off-campus ("Bong hits 4 Jesus"). Although the communication was not electronic, the case is instructive in how far a court may go to confer school jurisdiction. Because the banner was used during school hours, was not the type of speech that received the highest level of constitutional protection (political speech), and involved teachers and students, the fact that the function was otherwise off-campus and on a public street did not persuade the Court to provide the full breadth of first amendment protections. The Court therefore upheld the disciplinary sanction despite the finding that the content of the speech would have been otherwise protected under the constitution.

In 1969, the Supreme Court in *Tinker v. Des Moines Independent Community School District*, 339 U.S. 503 (1969), established a test for regulating otherwise protected free speech and weighed a student's limited first amendment rights against a school's interest in maintaining order and conveying moral principles through its disciplinary system. The Court then said that

[C]onduct by the student, in class or out of it, which for any reason -- whether it stems from time, place, or type of behavior -- materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of free speech.

Id. at 513.

Circuit Courts of Appeals have applied this test to online, off-campus speech. *See, e.g., Donninger v. Niehoff*, 557 F.3d 41 (2nd Circ. 2008) (offensive blog entry complaining about cancelation of music festival, made off-campus but directed at public and students

to complain about principal, caused substantial disruption and could be regulated by school).

In *Layshock v. Hermitage School District*, 593 F.3d 249 (3d Cir. 2010), the appellate court reviewed the question of whether a school district can punish a student for creating, off-campus, a fictitious online profile off-campus of a school principal using his photo and false answers to various questions. The court found the relationship between the school and the off-campus location of the student's conduct too attenuated to stretch its authority to the student's grandmother's house.

Similarly, in *Evans v. Bayer*, 684 F. Supp. 2d 1365 (S.D. Fla. 2010), a lower court applied the *Tinker* test in a case involving a student who invited complaints about a teacher on her blog made off-campus and after school hours. After rejecting the possibility of applying a test based on the target audience, obviously directed at other high school students, the court held that the blog entry was protected free speech that did not have a foreseeable and substantially disruptive effect on the school. In that case, the court acknowledged that off-campus unprotected speech may be regulated by a school when it was "fighting words" or "words that would . . . inflict injury or tend to incite an immediate breach of the peace." *Id.* at 1377.

In summary, cases suggest that cyberbullying that occurs off-campus may be regulated by a school if it results in the foreseeable and substantial disruption of the school, a breach of the peace, or threatened violence against another student or a school staff member. At the same time, a crime may have been committed and be charged as such.

3. Current criminal law that encompasses cyberbullying.

Whether accomplished through electronic or other methods, bullying is not described as a specific crime under our model penal code structure; rather, it is a common term used to refer to conduct between school students. For that reason, peace officers may be reluctant to investigate bullying as a crime and defer instead to school administrators for disciplinary actions and to the civil courts for damages caused by bullying.

Despite any reluctance to charge bullying as a crime (juvenile or adult), any number of criminal offenses may be implicated by conduct that is included within a harassment, intimidation, or bullying policy required of schools by AS 14.33.200. With the exception of stalking and exploitation, none of the crimes specify that the act may be by electronic means. The failure to reference electronic communications does not mean, however, that the crimes may not be accomplished through electronic communications and still charged as a crime. For example, an action that physically harms a student is an assault.

Threats and other actions may amount to assault in the fourth degree, stalking, or reckless endangerment. The difficulty in proving an assault by electronic means relates to whether a threat was imminent. In addition, a sexual act conveyed electronically could be construed as sexual assault or sexual abuse or exploitation of a minor. Stealing or damaging the property of another is robbery, extortion, theft, or malicious mischief. The

Representative Mis Costello
December 31, 2012
Page 4

crimes of disorderly conduct and harassment in the first or second degree may also be implicated by certain activities. For each of the related crimes, all elements of the crime must be met. See, for example, AS 11.61.118 - 11.61.120.

If I may be of further assistance, please advise.

JMM:ljw
12-522.ljw

Enclosure



NEA-ALASKA

Affiliated with the National Education Association

April 3, 2013

Representative Mia Costello
State Capitol, Room 501
Juneau, AK 99801-1182

Dear Honorable Representative Mia Costello:

As president of NEA-Alaska, representing nearly 13,000 educators and education support professionals throughout Alaska, I am writing to inform you of our enthusiastic support of House Bill 45.

There is absolutely no place in Alaska's public schools for bullying or harassment of any kind. NEA-Alaska is pleased that your legislation enjoys support from a large number of legislators from both sides of the political aisle.

We remain hopeful that this legislation, with sponsorship from more than a third of house members, can still move through the process during this legislative session. HB 45 is the type of legislation that should be acted upon expeditiously.

Thank you for your efforts on this important legislation.

Sincerely,

Ron Fuhrer
NEA-Alaska President



February 5, 2014

The Honorable Lynn Gattis
Alaska State House of Representatives
State Capitol Rm 420
Mail Stop: 3100
Juneau AK 99801-1182

Dear Representative Gattis:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 45, "An Act relating to harassment, intimidation, or bullying by students attending a public school in state".

The APOA Board of Directors recently reviewed this proposed legislation and unanimously supports this bill in its current form. We applaud your efforts to keep children safe in our public schools through anti-bullying legislation.

Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Brad Johnson
State President

cc: Representative Mia Costello
Representative Shelley Hughes
Representative Andrew Josephson



February 10, 2014

The Honorable Lynn Gattis
Alaska State House of Representatives
120 4th Street Rm 420
State Capitol
Juneau AK 99801-1182

Dear Representative Gattis:

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Sincerely,

Brad Johnson
State President

cc: Representative Mia Costello
Representative Shelley Hughes
Representative Andrew Josephson

P.O. Box 240106
Anchorage, AK 99524

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Making A Difference In The Last Frontier





February 12, 2013

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Kalie Bell
Anchorage

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Wrangell Chapter
Wrangell

The Honorable Lynn Gattis
Alaska State House of Representatives
State Capitol Rm 420
Mail Stop: 3100
Juneau AK 99801-1182

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Sincerely,

John Lucking, Jr.
State President

cc: Representative Mia Costello
Representative Shelley Hughes
Representative Andrew Josephson

PO Box 240106
Anchorage AK 99524

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Making A Difference In The Last Frontier



State Cyberbullying Laws

A Brief Review of State Cyberbullying Laws and Policies



Sameer Hinduja, Ph.D. and Justin W. Patchin, Ph.D.

February 2014

	Bullying law	Include "cyberbullying" ¹	Include electronic harassment	Criminal sanction	School sanction	Requires School Policy	Include off campus behaviors? ²
Alabama	YES	NO	YES	NO	NO	YES	NO
Alaska	YES	NO	NO	YES	YES	YES	NO
Arizona	YES	NO	YES	NO	YES	YES	NO
Arkansas	YES	YES	YES	YES	YES	YES	YES
California	YES	YES	YES	NO	YES	YES	YES
Colorado	YES ³	NO	YES	proposed	YES	YES	NO
Connecticut	YES	YES	YES	NO	YES	YES	YES
Delaware	YES	NO	YES	NO	YES	YES	NO
Florida	YES	YES	YES	NO	YES	YES	YES
Georgia	YES	proposed	YES	NO	YES	YES	proposed
Hawaii	YES	YES	YES	proposed	YES	YES	NO
Idaho	YES	NO	YES	YES	YES	YES	NO
Illinois	YES	proposed	YES	NO	YES	YES	NO
Indiana	YES	NO	YES	NO	YES	YES	NO
Iowa	YES	NO	YES	YES	YES	YES	NO
Kansas	YES	YES	YES	NO	YES	YES	NO
Kentucky	YES	proposed	YES	YES	YES	YES	NO
Louisiana	YES	YES	YES	YES	YES	YES	YES
Maine	YES	YES	YES	NO	YES	YES	NO
Maryland	YES	NO	YES	proposed 2013	YES	YES	NO
Massachusetts	YES	YES	YES	NO	YES	YES	YES
Michigan	YES	NO	YES	proposed	NO	YES	NO
Minnesota	YES	NO	YES	NO	YES	YES	NO
Mississippi	YES	NO	YES	YES	YES	YES	NO
Missouri	YES	YES	YES	YES	YES	YES	NO
Montana	NO	NO	NO	YES	NO	NO	NO
Nebraska	YES	proposed	YES	NO	YES	YES	proposed
Nevada	YES	YES	YES	YES	NO	YES	NO
New Hampshire	YES	YES	YES	NO	NO	YES	YES
New Jersey	YES	NO	YES	NO	YES	YES	YES
New Mexico	YES	NO	YES	NO	YES	YES	NO
New York	YES	YES	YES	proposed	YES	YES	YES
North Carolina	YES	YES	YES	YES	YES	YES	NO
North Dakota	YES	NO	YES	YES	YES	YES	NO
Ohio	YES	NO	YES	NO	YES	YES	NO
Oklahoma	YES	NO	YES	NO	YES	YES	NO
Oregon	YES	YES	YES	NO	YES	YES	NO
Pennsylvania	YES	NO	YES	NO	YES	YES	NO
Rhode Island	YES	NO	YES	NO	NO	YES	NO
South Carolina	YES	NO	YES	NO	YES	YES	NO
South Dakota	YES	NO	YES	NO	YES	YES	YES
Tennessee	YES	YES	YES	YES	YES	YES	YES
Texas	YES	NO	YES	NO	YES	YES	NO
Utah	YES	YES	YES	NO	YES	YES	NO
Vermont	YES	NO	YES	NO	YES	YES	YES
Virginia	YES	YES	YES	NO	YES	YES	NO
Washington	YES	YES	YES	YES	YES	YES	NO
West Virginia	YES	NO	YES	NO	YES	YES	NO
Wisconsin	YES	NO	NO	YES	YES	YES	NO
Wyoming	YES	NO	YES	NO	YES	YES	NO
STATE TOTALS	49	19	48	14	44	49	12
FEDERAL	NO	proposed-2009	proposed	proposed	NO	NO	NO
Washington DC	YES	NO	YES	NO	YES	YES	YES

¹Indicates laws that actually include the terms "cyberbullying" or "cyber-bullying." This is compared to states that simply refer to electronic harassment or bullying using electronic means. See actual law for more details.
²Federal caselaw allows schools to discipline students for off-campus behavior that results in a substantial disruption of the learning environment at school. These states have simply codified that standard in state statute.
³See specific state info below for more details.

Please let us know if you are aware of any updates not included in this summary.

Alabama

The Alabama Student Harassment Prevention Act - HB 0216

PDF - www.BullyPolice.org/AL_law2009HB0216.pdf

Schools must develop policies to help with harassment, includes electronic forms of bullying; "punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies."

Alaska

House Bill 482 (2006): Sec. 14.33.200. Harassment, intimidation, and bullying policy. (a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities.

05-09-06: Passed the Legislature, to be transmitted to the Governor for signature.

Various statutes: http://www.olweus.org/public/laws_alaska.page

Does not have a cyberbullying statute, but ALASKA STAT. § 11.61.120 which is an anti-harassment statute defines harassment as including by electronic means which threatens the physical well-being of another person.

(<http://www.ncsl.org/default.aspx?tabid=20753>)

Criminal harassment statute (AS 11.61.120. Harassment in the Second Degree) includes electronic forms: "A person commits the crime of harassment in the second degree if, with intent to harass or annoy another person, that person:

...makes an obscene electronic communication, or electronic communication that threatens physical injury or sexual contact; or...publishes or distributes electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act. Harassment in the second degree is a class B misdemeanor. (<http://www.touchngo.com/lglcntr/akstats/Statutes/Title11/Chapter61/Section120.htm>)

Arizona

H.B. 2415 – (signed by Governor on April 19, 2011) Includes harassment, bullying, and intimidating with the use of electronic technology <http://www.azleg.gov/legtext/50leg/1r/bills/hb2415h.pdf>

H.B. 2368 (2005): requires school district governing boards to adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils on school grounds, school property, school buses, school bus stops and at school sponsored events and activities

Arkansas

July 2011: cyberbullying crime law took effect: <http://www.arkleg.state.ar.us/assembly/2011/2011R/Acts/Act905.pdf>. Cyberbullying is a Class B misdemeanor.

Reference to off-campus behaviors: Policies must prohibit bullying: "(B) (i) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment." "(ii) This section shall apply to 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—<http://www.arkdisabilityrights.org/doc/arcode/aca6-18-514.pdf>).

H. B. 1072, 2007 Code §6-18-514(a) Anti-bullying Policies; now Act 115

<http://www.arkleg.state.ar.us/assembly/2007/R/Acts/Act115.pdf>;

<http://www.arkleg.state.ar.us/assembly/ArkansasCode/6/6-18-514.htm>

Policies must state the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved.

California

AB 256, Chapter 700 (October 10, 2013). Clarifies role of school in intervening in bullying cases that originate away from school.: “Electronic act’ means the creation and transmission originated on or off the schoolsite...” http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB256

AB 9 “Seth’s Law” (2011) requires school policy and investigation processes (named after 13 year old Seth Walsh who committed suicide after being harassed about sexual orientation and identity) (<http://e-lobbyist.com/gaits/text/354065>)

AB 1156 (2011) expanded the definition of bullying and connected it to academic performance. Notes that bullying causes a substantial disruption and detrimental effect on students. Encourages training for school officials. Creates provisions to remove victim from the “unhealthy setting.”

AB 746, signed into law July, 2011. Language of the law includes student behaviors on social networking web sites: “Under existing law, bullying, including bullying committed by means of an electronic act, as defined, is a ground on which suspension or expulsion may be based. This bill would specify that an electronic act for purposes of the act includes a post on a social network Internet Web site.” http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0701-0750/ab_746_bill_20110708_chaptered.pdf

SB 719 (Bullying Prevention for School Safety and Crime Reduction Act of 2003); Chapter 828.
2001 Cal. Stats., A.B. 79, Chap. 646 Requires the Department of Education to develop model policies on the prevention of bullying and on conflict resolution, makes the model policies available to school districts and authorizes school districts to adopt one or both policies for incorporation into the school safety plan.
PDF file: http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0051-0100/ab_79_bill_20011010_chaptered.pdf
HTML file: http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0051-0100/ab_79_bill_20011010_chaptered.html

A. B. 86, 2008 Code §32261 (g) Lieu. Pupil safety. Gives school officials grounds to suspend a pupil or recommend a pupil for expulsion for bullying, including, but not limited to, bullying by electronic act.

Colorado

HB 11-1254 (signed into law May 2011): “Bullying’ means any written or verbal expression, or physical or electronic act or gesture...”
http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C41FA88143FD6AE687257801006047CF?Open&file=1254_enr.pdf

SB 01-080 policy: http://www.bullypolice.org/co_02.pdf
“Colorado has no official anti bullying law. Colorado State Lawmakers chose a "Legislative declaration" and creation of Policy. Policy can be as good as law.” – From bullypolice.
School Districts are required by law to adopt a written conduct and discipline code relating to the discipline, conduct, safety and welfare of all students enrolled in the public schools of the District. Section 22-32-109.1(2)(a)(I), C.R.S. (2000); “Safe School Plan.” Must include “a specific policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs. Section 22-32-109.1(2)(a)(I) through (X), C.R.S. (2002).”

Criminal sanction: See pg. 32-33 of the above link

Defines that a policy must be made in schools about bullying and it is up to the school to decide the punishment. Does not include electronic forms of punishment.

Connecticut

Signed by governor on 7-13-2011; "An Act Concerning the Strengthening of School Bullying Laws", or S.B. 1138). "Cyberbullying" means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications..." School policies must "include provisions addressing bullying outside of the school setting if such bullying (A) creates a hostile environment at school for the victim, (B) infringes on the rights of the victim at school, or (C) substantially disrupts the education process or the orderly operation of a school..." <http://www.cga.ct.gov/2011/TOB/S/2011SB-01138-R00-SB.htm>

H.B. 5826 (2008): <http://www.cga.ct.gov/2008/ACT/PA/2008PA-00160-R00HB-05826-PA.htm>

2002 Connecticut Public Act 2-119, SHB 5425; Statutes § 10-222d; defines a policy that Schools must adhere to for the severity of bullying but does not clearly define punishments nor explain thoroughly what bullying means. <http://www.cga.ct.gov/2005/pub/Chap170.htm#Sec10-222d.htm>

Delaware

HB NO. 7: An Act to amend Title 14 of the Delaware code to establish the School Bullying Prevention Act. <http://www.aacap.org/galleries/LegislativeAction/DE%20-%20anti-bullying%20bill.pdf> 14 Delaware Code 4112(D) includes bullying that is "...intentional written, electronic, verbal or physical act http://www.doe.k12.de.us/infosuites/students_family/climate/files/Bully%20Prevention%20Law%20Outline.pdf

Section 1. Amend Title 14 of the Delaware Code by adding thereto a new § 4123A to read as follows:

"§ 4123A. School Bullying Prevention and Criminal Youth Gang Detection Training.

Section 2. Amend Chapter 41, Title 14 of the Delaware Code by adding thereto a new § 4112D, to read as follows:

"§ 4112D. School Bullying Prevention.

Nothing mentioned other than under (h) identify consequences must be met for bullying actions; up to the school to decide punishment

Florida

HB 609, signed by governor in May 2013, takes effect July 1, 2013. Added "cyberbullying" to bill and includes explicit language allowing schools to discipline students for their off-campus harassment that "substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school."

<http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?>

FileName=_ho609er.docx&DocumentType=Bill&BillNumber=0609&Session=2013

Related to HB 626, "Imagine Shetterria Elliot Act" passed <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49783&>

Full law: <http://laws.flrules.org/2013/87>

H.B. 699 s. 1006.147: School Safety "Jeffrey Johnson Stand Up for All Students Act": Consequences must be made clear by the school district; <http://www.myfloridahouse.com/Sections/Documents/loadoc.aspx?>

FileName=_ho669_.xml&DocumentType=Bill&BillNumber=0669&Session=2008

Georgia

Proposed: "The End to Cyberbullying Act" – includes off campus and cyberbullying

<http://www.legis.ga.gov/Legislation/20112012/110632.pdf>

SB 250 (2010): http://www.legis.state.ga.us/legis/2009_10/pdf/sb250.pdf: Students found bullying third time in school year are sent to alternative school, requires that policies against bullying be posted in all middle and high schools, requires that bullying policies be included in student and parent handbooks.

O.C.G.A. 20-2-751.4: "...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..."

1999 Georgia Laws, H.B. 84, Chap. 282 (O.C.G.A. § 20-2-751.4 and O.C.G.A. § 20-2-751.5.) Requires the implementation of a character education program at all grade levels that is to include methods of discouraging bullying and violent acts against fellow students. Adds razor blade to the definition of weapon.

Hawaii

H.B. 688 (Signed July 11, 2011): http://www.capitol.hawaii.gov/session2011/Bills/HB688_.HTM. Includes cyberbullying.

SB2094.DOC: http://www.capitol.hawaii.gov/session2010/bills/SB2094_.HTM. If any child of school age engages in bullying or cyberbullying, the child, and the father, mother, or legal guardian, shall be fined not more than \$100 for each separate offense.

Idaho

H.B. 750, "Jared's Law": Student who personally violates any provision of this section shall be guilty of a misdemeanor; possible suspension or denial of school attendance; <http://www3.state.id.us/oasis/2006/H0750.html>

Illinois

January 1, 2012, H.B. 3281 "The board **may suspend** or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days **or may expel** a student for a definite period of time not to exceed 2 calendar years, as determined on a case by case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. The provisions of this subsection (d-5) apply in all school districts, including special charter districts and districts organized under Article 34 of this Code." (emphasis added)

2011 proposal references cyberbullying: <http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=84&GA=97&DocTypeId=HB&DocNum=1466&GAID=11&LegID=58226&SpecSess=0&Session=0>

S.B. 3266 (2010) (105 ILCS 5/27-13.3, 5/27-23.7, 5/10-20.14); <http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+27&ActID=1005&ChapAct=105%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=17&ChapterName=SCHOOLS&SectionID=49363&SeqStart=145600000&SeqEnd=151900000&ActName=School+Code>.

"105 ILCS 135/1-2 (2008) defines harassment through electronic communications. The definition includes "making any

obscene comment, request, suggestion or proposal with an intent to offend," and "threatening injury to the person or to the property of the person to whom the electronic communication is directed or to any of his family or household members." Violation of the provisions of the statute will result in a class B misdemeanor." http://www.olweus.org/public/laws_illinois.page

H.B. 6391: Beginning with the 2010-2011 school year, a school district must include in the age-appropriate curriculum topics devices, including, but not limited to, the risks and consequences of dissemination and transmission of sexually explicit images and video. The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught in the district's schools, as determined by the school board. Nothing about the actual penalty other than it is up to the school.

Indiana

HB 1423, signed by governor on May 11, 2013 (Public Law 285) "bullying' means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other targeted student and create for the targeted student an objectively hostile school environment." <https://docs.google.com/viewer?url=http://static.openstates.org/documents/in/IND00057868&chrome=true>

HB 1276: Amends the definition of "bullying" to include communications transmitted from an electronic communications device or through a social networking web site. http://www.indiana-asbo.org/pdf/2010-2%20_2_.pdf: page 49

Senate Enrolled Act No. 285: <http://www.in.gov/legislative/bills/2005/PDF/SE/SE0285.1.pdf>
IC 20-30-5.5; IC 20-33-8-0.2; IC 20-33-8-13.5; IC 5-2-10.1-2; IC 5-2-10.1-11.12

See also: <http://www.in.gov/legislative/ic/code/title20/ar33/ch8.html>

Iowa

S.F. 61, 2007 Code §280.28 Harassment and Bullying Prohibited; <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=IowaCode&input=280.28>;

b. "Harassment" 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 the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy."

Criminal harassment statute (708.7) includes electronic forms: "A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following: (1) Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause

the other person annoyance or harm.”

Kansas

H.B 2222, signed by governor on June 28, 2013, clarifies that bullying by a staff member is incorporated into K.S.A. 2012 Supp. 72-8256 (http://kansasstatutes.lesterama.org/Chapter_72/Article_82/72-8256.html) which requires school district policies on bullying. “Loren’s Law” is named after Loren Wendelburg, who was abused by a teacher when he was in fifth grade. (http://www.kslegislature.org/li/b2013_14/committees/misc/ctte_h_ed_1_20130212_03_other.pdf; http://www.kslegislature.org/li/b2013_14/committees/misc/ctte_h_ed_1_20130212_03_other.pdf); http://www.kslegislature.org/li/b2013_14/committees/misc/ctte_h_ed_1_20130212_03_other.pdf)

H.B 2758, 2008 Statutes Annotated §72-8256: defines cyberbullying; up to schools to decide punishment; <http://www.kslegislature.org/bills/2008/2758.pdf>

H.B. 2310: defines bullying

Kentucky

HB 370 (introduced Feb 7, 2012) includes cyberbullying: <http://www.lrc.ky.gov/record/11rs/hb370.htm>

Criminal statute: 525.080 (Harassing communications): Chapter 125, H.B. 91; “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.” Punishment is a Class B misdemeanor. <http://www.lrc.ky.gov/Statrev/ACTS2008/0125.pdf>; Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board.

Louisiana

H.B. 1259, Act 989 <http://www.legis.state.la.us/billdata/streamdocument.asp?did=723230>: “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...whoever commits the crime of cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.”

H.B. 364, Act 230; http://www.legis.state.la.us/leg_docs/01RS/CVT1/OUT/0000IV8L.PDF

H.B. 1458; School board may charge fee to attend conflict resolution class/es, not to exceed \$100

<http://www.legis.state.la.us/billdata/byinst.asp?sessionid=10RS&billid=HB1458>; Provides relative to cyberbullying and student codes of conduct adopted by local school boards, not passed for all School before or by August, 1, 2010.

Reference to off-campus behaviors: “Cyberbullying (for purposes of writing each policy) means: 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, or 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. §§ 14:40.7, 17:416.13—<http://www.legis.state.la.us/lss/lss.asp?doc=81029>)

Maine

§6554. Prohibition on bullying in public schools: “Bullying’ includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students... ‘Bullying’ includes cyberbullying. [2011, c. 659, §3 (NEW).] ‘Cyberbullying’ means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular

telephone, text messaging device and personal digital assistant.” (<http://www.mainelegislature.org/Legis/Statutes/20-A/title20-Asec6554.html>)

“An Act to Prohibit Cyberbullying:” http://www.mainelegislature.org/legis/bills/bills_124th/billpdfs/SP035501.pdf

P.L. 2005, Ch. 307: <http://www.mainelegislature.org/ros/LOM/LOM122nd/8Pub301-350/Pub301-350-06.htm>

Statute Title 20-A 1001.15H (2005): School officials must “establish procedures and policies to address bullying, harassment, and sexual harassment” (<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1001.html>)

SP035501: Current law requires each school board to adopt a policy that addresses injurious hazing. This bill defines “cyberbullying” as injurious hazing by 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 personal digital assistant. Punishment is up to the School Board.

Maryland

H.B. 199, 2008 Code §7-424, 7-424.1 Bullying, Harassment and Intimidation; <http://mlis.state.md.us/2008rs/bills/hb/hb0199e.pdf>; Up to the schools to establish policy for punishment.

Misuse of Interactive Computer Service (Grace’s Law). Passed legislature 4/2013. Named after Grace McComas, a high school student who committed suicide in 2012 on Easter after being cyberbullied by a neighbor. “This bill prohibits a person from using an “interactive computer service” to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent (1) to kill, injure, harass, or cause serious emotional distress to the minor or (2) to place the minor in reasonable fear of death or serious bodily injury. Violators are guilty of a misdemeanor, punishable by imprisonment for up to one year and/or a \$500 maximum fine.” http://mgaleg.maryland.gov/2013RS/fnotes/bil_0002/sb1052.pdf

Massachusetts

CHAPTER 92 AN ACT RELATIVE TO BULLYING IN SCHOOLS. (see Senate, No. 2404) Approved by the Governor, May 3, 2010; Includes cyberbullying and addresses those behaviors that “materially and substantially disrupts the education process or the orderly operation of the school.” Includes behaviors that occur: “at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or 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.” <http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92>

S.B. 261 (S2323); <http://www.mass.gov/legis/bills/senate/186/sto2pdf/sto2283.pdf>; Each school district, commonwealth charter school and non-public school shall provide to all school staff annual written notice of the bullying prevention and intervention plan. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school. Relevant sections of the bullying prevention and intervention plan shall be included in a district or school employee handbook. Define clearly what cyber bullying is and how severe it can be on schools.

Michigan

Act 451 of 1976 (MCL 380.1 - 380.1852) by adding sec. 1310b: “Matt’s Safe School Law” or “Act 451” <http://legislature.mi.gov/doc.aspx?mcl-380-1310b>

"Bullying' means any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly..."

House Bill 6468 (2010): Crimes; other; cyberbullying; prohibit, and provide penalties. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411w. (<http://www.legislature.mi.gov/documents/2009-2010/billintroduced/House/htm/2010-HIB-6468.htm>) (this law has not passed)

Minnesota

S.B. 646, 2007 Statutes §121A.0695; Includes electronic forms be incorporated into harassment prevention policies; <https://www.revisor.mn.gov/bin/bldbill.php?bill=So646.o.html&session=ls85>

S.F. No. 971; <https://www.revisor.mn.gov/bin/bldbill.php?bill=So971.2.html&session=ls86>

Mississippi

House Bill 552 makes impersonating someone for the purposes of harming, intimidating, threatening, or defrauding another person (online or off) a misdemeanor (<http://e-lobbyist.com/gaits/text/213626>). Signed by the governor on March 11, 2011.

S.B.2015; passed July 2010; <http://billstatus.ls.state.ms.us/documents/2010/pdf/SB/2001-2099/SB2015SG.pdf>: "... 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..."

S.B. 2390 (2001); "2001 Miss. Laws, S.B. 2390 - Directs the State Board of Education to develop a list of recommended conflict resolution and peer mediation programs that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation. Requires the board to make the list available to local school administrative units and school buildings by the beginning of the 2002-2003 school year."

Missouri

Missouri Revised Statutes, Chapter 160 (160.775) - <http://www.moga.mo.gov/statutes/C100-199/1600000775.HTM> - "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."

S.B. 818; <http://www.senate.mo.gov/o8info/pdf-bill/tat/SB818.pdf>; "Currently, harassment is a Class A misdemeanor. Under this act, it is a Class A misdemeanor unless 1) committed by a person twenty-one years of age or older against a person seventeen years of age or younger; or 2) the person has previously committed the crime of harassment. In such cases, harassment is a class D felony." http://www.senate.mo.gov/o8info/BTS_Web/Bill.aspx?SessionType=R&BillID=147

Montana

No bullying law. State does have a criminal statute prohibiting harassment via electronic means: "a person commits the offense of violating privacy in communications if the person knowingly or purposely: (a) with the purpose to terrify, intimidate, threaten, harass, annoy, or offend, communicates with a person by electronic communication and uses obscene, lewd, or profane language, suggests a lewd or lascivious act, or threatens to inflict injury or physical harm to the

person or property of the person. The use of obscene, lewd, or profane language or the making of a threat or lewd or lascivious suggestions is prima facie evidence of an intent to terrify, intimidate, threaten, harass, annoy, or offend.” <http://data.opi.mt.gov/bills/mca/45/8/45-8-213.htm>

Nebraska

Proposed law (January 2011): Cyber-bullying as defined in section 79-2,137 shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, if such conduct causes or is reasonably projected to cause a substantial or material disruption of the school environment 14 or threatens the safety and security of students or school personnel, regardless of whether such conduct occurs or is initiated on or off of school grounds. <http://nebraskalegislature.gov/FloorDocs/102/PDF/Intro/LB123.pdf>

L.B. 205, 2008: R.R.S. Nebraska 121A.069579-2,137; Grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event.

Nevada

S.B. 163 (chapter 188); “Cyber-bullying” means bullying through the use of electronic communication; “Electronic communication” 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. Section 7 of this bill requires each school district to adopt the policy for inclusion in its policy on the provision of a safe and respectful learning environment; http://www.leg.state.nv.us/Session/75th2009/Bills/SB/SB163_EN.pdf; penalty of misdemeanor. <http://www.leg.state.nv.us/NRS/NRS-388.html#NRS388Sec123>

New Hampshire

Took effect July 1, 2010

HB 1523 (2010); Update which revises the Pupil Safety and Violence Prevention Act. “The sole purpose of this chapter is to protect all children from bullying and cyberbullying.” RSA 193-F:2 through RSA 193-F:5 are repealed and reenacted, and 193-F: 6 through 193-F:10 added. Takes effect beginning July 1, 2010. <http://www.gencourt.state.nh.us/legislation/2010/hb1523.html>

The school board of each school district shall adopt a written policy prohibiting bullying, harassment, intimidation, and cyberbullying. A school district shall involve, to the greatest extent practicable, pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. To the extent possible, the school district policy should be integrated with the school’s curriculum, discipline policies, behavior programs, and other violence prevention efforts.

2000 N.H. Laws, S.B. 360; HB 1523; Creates the Pupil Safety and Violence Prevention Act. Requires local school boards to adopt a pupil safety and violence prevention policy that addresses bullying and provides technical assistance. Requires school employees to report any information regarding bullying behavior to the school principal and provides immunity to any school employee who makes such a report from any cause of action arising from a failure to remedy the reported incident.

New Jersey

September 1, 2011; P.L.2010, CHAPTER 122; “Anti-Bullying Bill of Rights Act.” “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 takes place on school property, at any school-sponsored function [or] on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, http://www.njleg.state.nj.us/2010/Bills/AL10/122_.PDF

S.B. 993, 2007: New Jersey Statutes §18A:37-14; Nothing said about the punishment other than it's up to the School District and the "electronic Communication" is added to the policy of Harassment in Schools. Examples could range from expulsion to detention; http://www.njleg.state.nj.us/2006/Bills/PL07/129_.HTM; http://www.njleg.state.nj.us/2006/Bills/A4000/3803_R1.PDF

New Mexico

NMAC 6.12.7; Statutory regulation which has the force of law; <http://www.nmcpr.state.nm.us/nmac/parts/title06/06.012.0007.htm>

New York

SENATE BILL - S 1987-B (A 3661-C): "Dignity for All Students Act" to afford all students in public schools an environment free of harassment and discrimination based on actual or perceived race, national origin, ethnic group, religion, disability, sexual orientation, gender or sex; passed by the NY State Senate on June 22, 2010, signed by the governor on September 8, 2010. "'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." Requires "instruction in civility, citizenship and character education." Scheduled to take effect July 1, 2012.

Takes effect July 1, 2013: "The legislature also recognizes that most cyberbullying originates off-campus, but nonetheless affects the school environment and disrupts the educational process, impeding the ability of students to learn and too often causing devastating effects on students' health and well-being." Includes behavior that "occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment..." <http://open.nysenate.gov/legislation/bill/S7740-2011>

"Law to Encourage the Acceptance of All Differences (LEAD)" - (Proposed April 29, 2011—still active as of June 21, 2012). <http://open.nysenate.gov/legislation/bill/S4921-2011>; argues: "it is imperative that any legislation aimed at protecting students from bullying includes a prohibition of acts of cyberbullying when such acts create a hostile environment for the student at school or materially and substantially disrupt the educational process or the orderly operation of a school." That said, the proposed law does not appear to include any specific language that would explicitly allow school intervention in behaviors that occur away from school.

Commissioner's Regulation 100.2 (l) and Education Law 2801 and Education Law 2801-a: Requires each board of education to adopt and enforce a code of conduct, which includes disciplinary measures to be taken in incidents involving the use of physical force or harassment. Requires school safety plans to contain strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence.

H.B. A04028 (S 7158) – (Proposed in 2009 but never enacted): Increases penalty for some forms of hazing from a misdemeanor to a felony. Adds provisions to education law which would prohibit "bullying and cyber-bullying on school

property, including a school function.” Establishes a class B misdemeanor of failure to report hazing and requires instruction to discourage bullying and cyber-bullying in schools and policies for schools to be enacted. “Cyber-bullying’ means a course of conduct or repeated acts of abusive behavior by communicating through electronic means, with a person anonymously or otherwise over a period of time committing such acts as, but not limited to, taunting, insulting, humiliating, harassing, menacing, sending hate mail or embarrassing photographs.” (<http://m.nysenate.gov/legislation/bill/A4028-2009>)

North Carolina

Senate Bill 707 (effective December 1, 2012) amends 14-458.1. and adds as a punishable offense “Cyber-bullying of school employee by student.” <http://www.ncleg.net/Sessions/2011/Bills/Senate/PDF/S707v6.pdf>

Unlawful for any person to use a computer or computer network to “Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a minor.”

§ 115C-407.15. Bullying and harassing behavior.

(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 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.

§ 14-458.1. Cyber-bullying; (computer-related crime). Outlines specific types of cyberbullying and applies to behaviors directed toward minors or a minor’s parents.

“Any person who violates this section shall be guilty of cyber-bullying, which offense shall be punishable as a Class 1 misdemeanor if the defendant is 18 years of age or older at the time the offense is committed. If the defendant is under the age of 18 at the time the offense is committed, the offense shall be punishable as a Class 2 misdemeanor”

ftp://ftp.legislature.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_14/Article_60.PDF

§ 14-458.2. Cyber-bullying of a school employee by student; penalty.

Unlawful for student to create a fake profile or web site, to post or encourage others to post personal, private, or sexual information, to post a real or doctored image of a school employee.

North Dakota

House Bill 1465 defines bullying and requires school districts to have bullying policies by July 1, 2012. <http://www.legis.nd.gov/assembly/62-2011/documents/11-8212-02000.pdf> “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; 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. “Conduct” includes the use of technology or other electronic media.

Code 12.1.17-07 (2009) makes harassment via phone, in writing or via electronic communication a Class A misdemeanor.

Ohio

H.B. 116 (Jessica Logan Act) - effective November 4, 2012. "Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device." Text of bill: http://www.legislature.state.oh.us/BillText129/129_HB_116_EN_N.pdf Summary/analysis: <http://www.lsc.state.oh.us/analyses129/12-hb116-129.pdf>

H.B. 276 ; http://www.legislature.state.oh.us/bills.cfm?ID=126_HB_0276

Oklahoma

H.B. 1661, signed by the governor on June 10, 2013. <http://openstates.org/ok/bills/2013-2014/HB1661/documents/OKD00017374/> Interestingly, schools no longer need a policy that "prohibits" bullying but rather need one that "addresses" it.

S.B.1941, 2008: 70 Oklahoma Statutes §24-100.3; Adopts a School Bullying Prevention Act that orders School Districts to adopt a policy for Harassment and bullying that included electronic forms.; <http://sde.state.ok.us/Schools/SafeHealthy/pdf/SB1941.pdf>

H.B. 2215/ S.B. 992 enact the Bully Prevention Act, define bullying; amend 70 O.S. 2001, Section 24-100

Oregon

Senate Bill 1555 (July 1, 2012): "Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying." "(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying..."

"School districts must incorporate into existing training programs for students and school employees information related to: (a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying[.];"

<https://docs.google.com/viewer?url=http://www.leg.state.or.us/12reg/measpdf/sb1500.dir/sb1555.en.pdf>

Chapter 647 Oregon Laws 2007

339.351. As used in ORS 339.351 to 339.364[.];

(1) "Cyberbullying" means the use of any electronic communication device to harass, intimidate or bully.

(2) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance, that 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, and that has the effect of:

[(1)] (a) Physically harming a student or damaging a student's property;

[(2)] (b) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

[(3)] (c) Creating a hostile educational environment.

339.353. (1) The Legislative Assembly finds that:

(a) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(b) Harassment, intimidation or bullying and cyberbullying, like other disruptive or violent behavior, [is] are conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment.

<http://www.leg.state.or.us/07orlaws/esso600.dir/0647.htm>

Pennsylvania

H.B. 1067, 2008: 24 Pennsylvania Statutes §1303.1-A; requires school systems to develop policies prohibiting bullying, including through electronic means. Also defines bullying as harassment with electronic means; <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=1067&pn=4199>

Rhode Island

S. 2012, 2008: General Laws §16-21-26; school districts adopt policies to determine how to deal with this bullying; repeat offenders of the policy under Rhode Island general law will go to family court. <http://www.rilin.state.ri.us/BillText08/SenateText08/S2012B.pdf>

South Carolina

H.B. 3573, 2006: South Carolina Code §59-63-120, §59-63-140; Extends bullying to electronic means of communication. Developed Safe School Climate Act which leaves it up to School Districts to decide the actions to take; http://www.scstatehouse.gov/sess116_2005-2006/bills/3573.htm

South Dakota

Bullying law signed by the Governor on March 22, 2012. "Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive ..."
"Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in section 2 of this Act."
(<http://legis.state.sd.us/sessions/2012/Bill.aspx?File=SB130ENR.htm>)

Tennessee

Tenn. Code Ann. § 49-6-1014 (2012)

49-6-1014. Legislative findings -- Safety and civility.

The general assembly finds and declares that:

- (1) A safe and civil environment is necessary for students to learn and achieve high academic standards;
- (2) Harassment, intimidation, bullying or cyber-bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment;
- (3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, bullying or cyber-bullying, encourage others to do so as well; and
- (4) The use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.

Tenn. Code Ann. § 49-6-1015 (2012)

49-6-1015. Definitions for §§ 49-6-1014 -- 49-6-1019.

- (a) As used in § 49-6-1014, this section and §§ 49-6-1016 -- 49-6-1019:
 - (1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;
 - (2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites;

(3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:

(A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:

(i) Physically harming a student or damaging a student's property;

(ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;

(iii) Causing emotional distress to a student or students; or

(iv) Creating a hostile educational environment; or

(B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

http://www.tn.gov/education/safe_schls/safety_cntr/doc/TennesseeBullyingHarassmentCyber-bullyingLaws.pdf

S.B.113; A misdemeanor (up to 1 year in prison and a \$2,500 fine) for making threats made online as well as certain instances of cyberharassment.

Texas

H.B. 1942 <http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/IIB01942F.pdf#navpancs=0> Act applies beginning with the 2012-2013 school year. Schools must have a policy. "...'bullying' means...engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district." Nothing in the law about behaviors that occur away from school or about substantial disruption to the learning environment.

H.B. 283; Tex. Educ. Code Ann 25.0342, 37.217, 37.001, 37.083; <http://www.statutes.legis.state.tx.us/Docs/ED/pdf/ED.37.pdf>

Utah

SB 304 – signed March 22, 2001 (<http://le.utah.gov/~2011/bills/sbillenr/sbo304.htm>): (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."

HB325: Requires local school boards and local charter boards to adopt a policy, on or before September 1, 2009, for reporting and responding to bullying, hazing, or retaliation; <http://le.utah.gov/~code/TITLE53A/htm/53A11a010200.htm>; <http://le.utah.gov/~code/TITLE53A/htm/53A11a030100.htm>

"State Board of Education Policy R277-613-1 (2009) defines Cyber Bullying as "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 physical harm to the school employee or student or harm to property of the school employee or student. The policy requires each school district to implement a policy prohibiting bullying and hazing consistent with Code 53A-11a-301 (2008)." http://www.olweus.org/public/laws_utah.page

Vermont

16 V.S.A. § 11

Subsection 26(A) defines "harassment" as "...an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, 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.”

Subsection 32 defines “bullying” as (32) “...any overt act or combination of acts, including an act conducted by electronic means, 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)(i) 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; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.”

(<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=001&Section=00011>)

Statute § 1162 explicitly allows for the suspension or expulsion of students for their bullying behaviors even when not on school property: “...where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.”

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=025&Section=01162>

2004 Vermont Act 117; 16 V.S.A. § 11(a)(32); An Act was enabled in memory of Ryan Patrick Halligan who was severely bullied electronically. The penalty is to have schools develop a plan to notify parents of bullying along with the victim and expulsion may be a consequence. The law passed is called the Vermont Bully's Prevention Law; <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=001&Section=00011>; <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=009&Section=00565>

Virginia

H.B. 1871, signed by governor on July 1, 2013. “‘Bullying’ means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. ‘Bullying’ includes cyber bullying. ‘Bullying’ does not include ordinary teasing, horseplay, argument, or peer conflict.” <http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+CHAP0575>

H.B.1624; Virginia must design a model policy for means of Harassment and others means of bullying including 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; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies; <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-279.6>

Washington

RCS 28A.300.285 (2010): <http://apps.leg.wa.gov/RCW/default.aspx?cite=28A.300.285>. “By August 1, 2011, each school district shall adopt or amend if necessary a policy and procedure...”

“‘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...”

Implicitly includes off campus behaviors because it includes behaviors that have: "...the effect of substantially disrupting the orderly operation of the school."

"The Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site."

S.B. 5288, 2007: Revised Code of Washington §28A.300.285; Adds cyber bullying to the Harassment and bullying Act that Schools must have a policy for; terms of penalty are determined by the School; <http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202010/2801-S.SL.pdf> AN ACT Relating to including cyberbullying in school district harassment prevention policies.

Cyberstalking (RCW 9.61.260): "A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party: (a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act; (b) Anonymously or repeatedly whether or not conversation occurs; or (c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household." (<http://apps.leg.wa.gov/rcw/default.aspx?cite=9.61.260>)

West Virginia

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..."

<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=18&art=2C#02C>

2001 West Virginia Acts, H.B. 3023, Chap. 103 (W.Va. Code Ann.18-2C-3); http://www.legis.state.wv.us/Bill_Text_HTML/2001_SESSIONS/RS/Bills/hb3023%20enr.htm

"Synopsis - 2001 West Virginia Acts, H.B. 3023, Chap. 103 Requires county school boards to develop and adopt a policy prohibiting harassment, intimidation or bullying on school property or at school-sponsored events. Requires state board of education to develop a model policy to assist county boards. Requires policy to include definition, statement prohibiting harassment, intimidation or bullying, reporting procedures, notification of parents, procedures for response and investigation, process for documentation of incidents, strategy for protecting victims from further harassment or bullying after a report is made and a disciplinary procedure for students found guilty."

Wisconsin

2009 Wisconsin Act 309 (SENATE BILL 154) (<https://docs.legis.wisconsin.gov/2009/related/acts/309>). School districts need to adopt bullying policies by August 15, 2010. Department of Public Instruction (DPI) is directed to create a model policy that schools may or may not adopt. Law does not include electronic forms of bullying nor does it refer to off-campus bullying. The DPI model policy does refer to cyberbullying. Dr. Patchin's analysis of the law, and 2012 proposed update is available here: <http://cyberbullying.us/blog/wisconsins-bullying-law.html>

947.0125 Unlawful use of computerized communication systems; Class B misdemeanor; a fine up to \$1,000, or imprisonment for up to 90 days, or both for sending electronic threats or using lewd or profane language in electronic communication. (<http://www.legis.state.wi.us/statutes/Stat0947.pdf>)

Wisconsin also has a criminal defamation statute: "(1) Whoever with intent to defame communicates any defamatory matter to a 3rd person without the consent of the person defamed is guilty of a Class A misdemeanor. (2) Defamatory matter is anything which exposes the other to hatred, contempt, ridicule, degradation or disgrace in society or injury in

the other's business or occupation.” <https://docs.legis.wisconsin.gov/statutes/statutes/942/01>

Wyoming

H.B.0223 Safe School Climate Act; Orders the Safe School Climate Act that all School Districts must have a policy in regard to the bullying (including electronically) and the punishments are the discretion of the Schools; <http://www.BullyPolice.org/WYHB0223.pdf>

District of Columbia

D.C. Act 19-384—“Youth Bullying Prevention Act of 2012” - signed by D.C. Mayor on June 22, 2012. “‘Bullying’ means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal...” ...“Can be reasonably predicted to... (II) Cause a substantial detrimental effect on the youth’s physical or mental health...” (IV) Substantially interfere with the youth’s academic performance or attendance...” Schools need to have a bullying prevention policy within 365 days of the effective date of the act. The policy is to be enforced when the bullying happens on school property, while using school-owned property, and “Through electronic communication to the extent it is directed at a youth and it substantially interferes with the youth’s ability to participate in or benefit from the services, activities, or privileges provided by the agency, educational institution, or grantee.” (<http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=2692737>)

Federal

HR1966 (proposed in 04/2009; last action 09/2009); Megan Meier Cyberbullying Prevention Act; whoever transmits in interstate or foreign commerce any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behavior, shall be fined under this title or imprisoned not more than two years, or both.
<http://www.govtrack.us/congress/billtext.xpd?bill=h111-1966>

Sameer Hinduja, Ph.D. is a professor at Florida Atlantic University and Justin W. Patchin, Ph.D. is a professor at the University of Wisconsin-Eau Claire. Together, they lecture across the United States and abroad on the causes and consequences of cyberbullying and offer comprehensive workshops for parents, teachers, counselors, mental health professionals, law enforcement, youth and others concerned with addressing and preventing online aggression. The Cyberbullying Research Center is dedicated to providing up-to-date information about the nature, extent, causes, and consequences of cyberbullying among adolescents.

For more information, visit <http://www.cyberbullying.us>

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