

***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 web site....”

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.”

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 Cod § 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 NIMAC § 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).