State of Arkansas
86th General Assembly
Regular Session, 2007

By: Representatives Walters, Abernathy, Cook, R. Green
By: Senators Wilkinson, Altes

For An Act To Be Entitled
AN ACT TO DEFINE BULLYING; TO INCLUDE CYBERBULLYING IN PUBLIC SCHOOL DISTRICT ANTIBULLYING POLICIES; AND FOR OTHER PURPOSES.

Subtitle
AN ACT TO DEFINE BULLYING AND TO INCLUDE CYBERBULLYING IN PUBLIC SCHOOL DISTRICT ANTIBULLYING POLICIES.

WHEREAS, bullying creates an intolerable and sometimes dangerous educational environment for a student or public school employee who is the target of bullying or who is close to the target; and
WHEREAS, the definition of bullying varies widely among public school districts in the state and the General Assembly finds that public school districts and the Department of Education would benefit from legislative guidance for defining bullying; and
WHEREAS, cyberbullying, or the use of computers, websites, the Internet, cell phones, text messaging, chat rooms, and instant messaging to ridicule, harass, intimidate, humiliate, or otherwise bully another student, is a growing problem for public school students due to the increased use of such electronic devices by children both on and off of public school premises; and
WHEREAS, cyberbullies feel protected by anonymity and by the knowledge that children who are targeted do not want to report cyber assaults because they fear losing their access to electronic devices or having the situation
aggravated by adult interference; and

WHEREAS, because cyberbullying has the potential for instantaneous
distribution to a wide audience, it can impact the educational environment by
rapidly reaching a large number of students and public school employees, and
creating an environment of fear and intimidation that materially or
substantially disrupts class work and discipline in a public school,

NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-18-514(a) and (b)(1) and (2) regarding
public school district antibullying policies, are amended to read as follows:

(a)(1) The General Assembly finds that every public school student in
this state has the right to receive his or her public education in a public
school educational environment that is reasonably free from substantial
intimidation, harassment, or harm or threat of harm by another student.

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

(3) As used in this subchapter:

(A) "Bullying" means the intentional harassment,
intimidation, humiliation, ridicule, defamation, or threat or incitement of
violence by a student against another student or public school employee by a
written, verbal, electronic, or physical act that causes or creates a clear
and present danger of:

(i) Physical harm to a public school employee or
student or damage to the public school employee's or student's property;

(ii) Substantial interference with a student's
education or with a public school employee's role in education;

(iii) A hostile educational environment for one (1)
or more students or public school employees due to the severity, persistence,
or pervasiveness of the act; or

(iv) Substantial disruption of the orderly operation
of the school or educational environment;

(B) "Electronic act" means without limitation a
communication or image transmitted by means of an electronic device,
including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager;

(C) "Harassment" means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

(D) "Substantial disruption" means without limitation that any one or more of the following occur as a result of the bullying:

(i) Necessary cessation of instruction or educational activities;

(ii) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;

(iii) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or

(iv) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

(b) The policies shall:

(1)(A) Clearly define conduct that constitutes bullying, the definition contained in subsection (a) of this section;

(2) Prohibit bullying:

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

(B)(1) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment.

(2) 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;
declared to be separable and if any section or provision of this Act is determined to be invalid, such determination shall not affect the validity of any remaining section or provision of this Act.

/s/ Walters

APPROVED: 2/16/2007