



Bureau Brief

A Study of the Readiness of Public Schools in Response to Acts of Violence (Anti-Bullying)

Preliminary Report

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INTRODUCTION

School safety is an issue of great concern for parents, teachers, and students in the state of Arkansas. Both national tragedies, such as the 2012 calamity at Sandy Hook Elementary School, and regional tragedies, such as the 1998 Westside Middle School shooting in Jonesboro, have precipitated a closer look at the policies meant to keep our children safe. As schools have begun to witness an increase in student deaths related to issues of bullying, there has also been a heightened awareness of the need to educate our communities on bullying prevention. These instances of crime and violence on school grounds not only affect the individuals involved but may also disrupt the educational process and affect bystanders, the school itself, and the surrounding community (Henry, 2000). In response to this impetus for greater preparedness and awareness, Act 107 (2013) was passed requiring a study of the “readiness and capabilities of public schools in this state for adequately preventing and responding to acts of violence against students and school personnel on a school campus.” Subsequently, this report has been created to highlight the statutes and the available practices and policies of public schools in the state of Arkansas as they pertain to school violence and to incidences of bullying on school grounds.

SCHOOL SAFETY AND ANTI-BULLYING STATUTE

UNITED STATES

All 50 states require that school districts adopt some form of school safety policy and as of September 2012, all 50 states had enacted legislation requiring school districts to adopt policies regarding bullying.¹ School safety and discipline policies vary widely from state to state, with the federal government offering myriad resources to help guide states in policy formation, such as model discipline strategies and guides to creating emergency response plans.² Anti-bullying policies also vary widely from state to state and while some state anti-bullying laws contain provisions modifying criminal laws or creating new crimes aimed at preventing bullying, the majority of anti-bullying laws focus on the responsibilities of schools to address bullying.³ A minimum of what school district policies must contain, in regards to bullying, is typically prescribed by the state with the remainder of the decisions regarding bullying left to the districts or individual schools (Sacco et al., 2012). However, the vast majority of antibullying laws and policies remain ambiguous and open to interpretation at the local level. For instance, most states broadly use terms like “disciplinary action,” “disciplinary consequences,” “or consequences” in their antibullying policies. Only seven states actually detail specific disciplinary consequences such as Texas’s recommendation for classroom or campus transfer or Georgia’s mandatory assignment to an alternative school after three bullying offenses within one school year.

¹ [Stopbullying.gov/laws/index.html](http://stopbullying.gov/laws/index.html)

² For more information, please see: FEMA Guide for Developing High-Quality School Emergency Operations Plans (rems.ed.gov/docs/REMS_K-12_Guide_508.pdf), USDOE School Climate and Discipline Resource page (www.2.ed.gov/policy/gen/guid/school-discipline/index.html), and www.ed.gov/school-safety.

³ For an across-state comparison of antibullying policies, please see the appendix immediately following this report.

TABLE 1. ANTIBULLYING POLICY HIGHLIGHTS

38 states provide some treatment of cyberbullying, or bullying involving electronic acts in their definitions
32 states require, and 3 states encourage, the creation of school procedures for investigating incidents of bullying
17 states require staff to report incidents of bullying they witness or of which they are otherwise aware
2 states (GA and WI) encourage school districts to adopt bullying policies that would require staff to report incidents of bullying they witness or of which they are otherwise aware
11 states require and 1 state (GA) encourages, school procedures that explicitly allow for the anonymous reporting of bullying incidents
9 states require school administrators, in certain circumstances, to report incidents of bullying to law enforcement authorities
Laws in 34 states require, and 2 states encourage, the districts to provide disciplinary consequences for bullying
16 states require, and 6 states encourage, schools or school districts to provide staff training or professional development on bullying prevention
10 states require, and 1 state (AK) encourages, schools or school districts to provide staff training or professional development on the school district's bullying policy

To date, there is no federal law dealing specifically with bullying. However, there have been multiple strategies proposed at the federal level. These include:

- **H.R. 83: Bullying Prevention and Intervention Act of 2011**

This bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow the use of juvenile accountability block grants for bullying prevention and intervention programs; require the Attorney General to establish voluntary guidelines for use by states and local governments in developing such programs; and authorize appropriations for FY2012-FY2016 for the juvenile accountability block grant program.

The bill would require programs receiving funding to focus on the accountability of juveniles for their actions, provide counseling services for bullies and victims, address behavior and behavior modification, notify parents, and educate students, adult personnel, and law enforcement officers about how to identify occurrences of bullying and how to address such occurrences. It would allow variations “in order to meet the specific needs or circumstances of relevant populations.”

The bill does not contain language requiring or encouraging grants to be used for broader preventative educational initiatives that can create a better whole-school environment, such as anti-bullying curricula, character education, and social and emotional learning curricula. It also defines bullying very broadly.

Source: <https://www.govtrack.us/congress/bills/112/hr83>

- **S.1569: Empowering Local Educational Decision-making Act of 2011**

This bill proposes changes in grant allocation and restrictions on sub-grant use under the Elementary and Secondary Education Act of 1965 (ESEA). In particular, it would move teacher liability and Internet safety provisions to Title IX (General Provisions) of the ESEA. The bill also would replace Title IV (21st Century Schools) of the ESEA with a new Title IV (Safe and Healthy Students) program, and include requirements for sub-grants for the prevention and reduction of substance abuse, school violence, and bullying and strengthening parent and community involvement in these efforts.

Source: <https://www.govtrack.us/congress/bills/112/s1569>

- **H.R.1648, S. 506: Safe Schools Improvement Act of 2011**

This bill would amend the Elementary and Secondary Education Act of 1965 (ESEA) to require states to collect and report information and statistical data on bullying and harassment and to provide technical assistance to local educational agencies related to bullying prevention.

Source: <https://www.govtrack.us/congress/bills/112/s506>

- **H.R. 975: Anti-Bullying and Harassment Act of 2011**

This bill would amend the Safe and Drug-Free Schools and Communities Act to require states to use safe and drug-free schools grants to collect and report information on bullying and harassment and require local educational agencies and schools to use sub-grants for prevention and response measures. The proposed legislation includes annual reporting out to parents on prohibited conduct and requires the establishment of complaint procedures.

Source: <https://www.govtrack.us/congress/bills/112/hr975>

In a further effort to provide guidance and technical assistance to states, the United States Department of Education also released a memo (2011) detailing what it identified as 11 key components found in state antibullying laws:

- Purpose statement
- Statement of scope
- Specification of prohibited conduct
- Enumeration of specific characteristics
- Development and implementation of local education agency (LEA) policies
- Components of LEA policies
- Review of local policies
- Communication plan
- Training and preventative education
- Transparency and monitoring
- Statement of rights to other legal recourse

ARKANSAS

Following the national trend, the majority of school anti-bullying and violence policies in Arkansas are developed and implemented at the district or school, rather than at the state, level. While there are several specific courses of action schools must take (such as the performance of yearly tornado drills or the imposition of a mandatory one-day suspension for any student caught committing a violent act on school property), there is no one, uniform way in which Arkansas schools must deal with the pressing issues of school safety. Instead, planning and drilling requirements have been codified and guidelines have been set to help district schools determine when and how to react to problems of bullying, violence, and criminal acts. The current policies in place guiding administrators, teachers, and staff are as follows:

- **A.C.A. § 6-15-1301 Creation, Composition, Powers and Duties of Safe Schools Committee**

This statute, established in 1997, requires the Department of Education to create a Safe Schools Committee. This committee must develop policies and procedures that focus on ensuring the security of students and school employees. This includes techniques for prevention, intervention, and conflict resolution. Model drills are also required, to the extent practicable. Currently, the Safe School Committee does not have designated members and does not meet.

- **A.C.A. § 6-15-1302 Emergency Plans for Terrorist Attacks**

As of January, 2004, every school district is required to develop plans to, “provide for the safety of employees and students in the event of a war or terrorist attack affecting the school, specifically including contingency plans for attacks using a biological agent or nerve gas or similar chemical agents. To the extent practicable, students should participate in practice drills executing the plans.

- **A.C.A. § 6-15-1303 The Safe School Initiative Act**

In 2013, the Arkansas General Assembly passed the Safe School Initiative Act, which requires schools to provide emergency response training to administrators, teachers, and staff and mandates that response drills for both natural disasters (i.e., tornadoes, floods) and man-made crises (i.e., active shooter, terroristic threats) are carried out on a yearly basis.

- **A.C.A. § 6-17-113 Duty to Report and Investigate Criminal Acts**

This statute, established in 1995, lays out specific guidelines for school leaders and the steps they must take when evidence of, or a report of, criminal acts on school property is brought to their attention. For instance, one section states that, "school administrators must report an act of violence/criminal act immediately after it occurs and submit a written report to the school board within 3 business days." It also provides school leaders with clear rules they must follow in the event of school violence/criminal acts, such as the proper channels for making parental contact and the type(s) of law enforcement that must be notified under particular cases.

- **ADE Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies**

These rules are designed to assist local school districts with the development, review and revision of student discipline and school safety policies. They state that parents, students, and school district personnel, including teachers, should be involved in the development of school district student discipline policies. The rules state that these policies are to be reviewed annually by the school district's committee on personnel policies. They also highlight a list of offenses that schools must respond to and the ways in which schools are legally able to respond to these offenses.

- **A.C.A. § 6-18-514 Concerning the Requirement to Adopt Anti-Bullying Policies**

This statute mandates that each school district adopt policies that keep students in the public school educational environment "reasonably free from substantial intimidation, harassment, or harm or threat of harm by another student". It provides definitions schools must use in their anti-bullying policies, explicitly categorizing behaviors such as "bullying," "electronic acts," and "harassment." It also sets forth certain criteria for accusing a student of bullying, reporting behaviors that constitute as bullying, and mandates that school districts provide training on compliance with the anti-bullying policies each district adopts. Again, this act is a general set of rules and guidelines but each individual district and school is responsible for its implementation and enforcement.⁴

There has also been a policy effort to confront issues of cyberbullying and cyberthreats due to the proliferation of the internet and social media. Nationally, cyberbullying has been defined as, "being cruel to others by sending or posting harmful material or engaging in other forms of social aggression using the Internet or other digital technologies" (Willard 2007:1). Cyberbullying can take different forms including, but not limited to, harassment, denigration, impersonation, trickery, and cyberstalking. Cyberthreats, on the other hand, are either direct threats or distressing material, "general statements that make it sound like the writer is emotionally distraught and may be considering harming someone else, harming himself or herself, or committing suicide" (Willard 2007:2). Arkansas currently has two statutes pertaining to cyberbullying.

⁴ There are corollary statutes that relate to incidents of student violence, disruption, and criminal acts on school grounds. These are 1) A.C.A. § 6-18-507 concerning suspension and expulsion procedures and 2) A.C.A. § 6-18-511 concerning the removal of students from the classroom by teachers.

- **A.C.A. § 6-18-514 Concerning the Requirement to Adopt Anti-Bullying Policies (Act 905 of 2007: To Include Cyberbullying in Public School District Antibullying Policies)**
Subsection (3) requires schools to include “ ‘Electronic Acts’ meaning 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” in their policies concerning acts of bullying.
- **A.C.A. § 5-71-217 (Act 905 of 2011: To Establish the Crime of Cyberbullying)**
This law specifically defines cyberbullying, outlines the criteria that comprise an act of cyberbullying and defines it as a Class B misdemeanor. This law is not specific to education but instead generally names cyberbullying as a crime in the state of Arkansas.

As a further resource on this evolving matter, the Arkansas Department of Education website provides a link to the nationally recognized “Educator’s Guide to Cyberbullying, Cyberthreats, and Sexting.” This source defines all terms in relation to the topic and discusses those students who may be at the highest risk for problems as victims and as bullies. There are guidelines offered to help administrators, teachers, and staff deal with each of the three topics, including how and when to gather evidence, and what to do once the identity(ies) of the individual(s) involved is determined.

ARKANSAS SCHOOL AND DISTRICT POLICIES

In fulfillment of the requirements of both A.C.A. § 6-15-1302 and A.C.A. §6-15-1303, school districts must create and include anti-bullying policies and emergency preparedness plans in the student handbook. Many school districts make links to anti-bullying and emergency response plans available on district websites. If ADE finds that either of these requirements is not fully met in a district handbook, the district may be cited. If either piece is completely absent from a district handbook, the school could face probationary penalties. As of May 2014, no districts had been cited as non-compliant. ADE’s Equity Assistance Unit travels to each school district on a 4-year rotation schedule, visiting 25% of Arkansas schools in a given year. During these visits, the anti-bullying and emergency preparedness policies and plans of each district are thoroughly reviewed by the unit to ensure that the districts are in compliance with the law.

Additionally, school district cyber-bullying prevention policies, required by A.C.A. § 6-18-514, must be written into each district’s technology plan and must fulfill all of the requirements set forth by the federal Children’s Internet Protection Act (CIPA)⁵. If a district fails to meet these requirements, its technology plan will not be approved by the state Department of Education.

In order to develop emergency and disaster response plans, Arkansas schools and school districts have several options. They may create plans using one of the many resources provided by the US Department of Education, such as FEMA’s guidelines (http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf) or the guidelines provided by Safe and Supportive Learning (<http://safesupportivelearning.ed.gov/topic-research/safety/emergency-readiness-management>). They may also work with one of several entities in Arkansas that offer assistance in developing response plans. The two most common types of plans adopted by schools and school districts are Arkansas continuity of operations plans (ACOOps) and emergency response plans. COOP plans were initially developed by FEMA and subsequently adapted and applied at the state, local, and private level. These plans include provisions such as the continuation of transportation and classes following a natural disaster. Emergency response plans are also developed at the federal level but offer preparedness for a particular hazard, such as a first person shooter. Both types of plans have a wide range of options and are used across all 50 states. The following are organizations that work with Arkansas school districts to prepare such plans.

⁵ Please see the Appendix for a full explanation of CIPA and its requirements.

CENTER FOR PREPAREDNESS AND RECOVERY

Arkansas Tech offers a range of services to schools including assistance with drafting of COOP and emergency response plans. After COOP plans are drafted, Arkansas Tech assists in exercising the plans in the school or school district twice per year. These plans are broad and theoretical, simply posing questions such as, “how do we continue to operate the school after an extended power outage?” Emergency response planning, by contrast, allows a school or school district to devise a plan focused on a single, particular hazard such as a tornado or a first-person shooter. Arkansas Tech works with the client to create a plan for each school or school district and then moves through specific scenarios, providing scripted responses to particular hazards.

Both types of plans provide a hazard analysis to the school or school district in question. In other words, Arkansas Tech looks at the individual district’s area and the existent range of risks and hazards it may face. They are then able to provide recommendations to the school or school district as to which type of plan may best suit its needs. Arkansas Tech personnel work with school administrators to implement the best response strategy for each district, taking into account what resources are available and the relationship the district has with the city, county, and state. The planning services at Arkansas Tech are fee-based and are typically grant-funded. Table 2 reports the districts and plans that the center has created for various schools in the state through 2013.

TABLE 2. SCHOOL DISTRICT PROJECTS

School District	Type of Project	Year Completed
Arkansas Tech University	Continuity of Operations Plan	2012
Arkansas Tech University	Mitigation Plan	Ongoing
Buffalo Island School District	Continuity of Operations Plan	2012
County Line School District	Continuity of Operations Plan	2012
Danville School District	Continuity of Operations Plan/Update	2012 2013
Dardanelle School District	Continuity of Operations Plan	2010
Greenwood School District	Continuity of Operations Plan	2012
Guy Perkins School District	Continuity of Operations Plan	2012
Lonoke School District	Continuity of Operations Plan	2013
Magazine School District	Continuity of Operations Plan	2010
Mena School District	Continuity of Operations Plan	2011
Mount St. Mary’s Academy	Comprehensive Emergency Operations Plan	Ongoing
Nettleton School District	Continuity of Operations Plan	2012
Ozark School District	Continuity of Operations Plan	2013 Ongoing
Quitman School District	Continuity of Operations Plan	2010
Riverside School District	Continuity of Operations Plan	2012
Riverview School District	Continuity of Operations Plan/Update	2012 Ongoing
Russellville School District	Continuity of Operations Plan	2011
Scranton School District	Continuity of Operations Plan/Update	2012 2013
St. John’s Catholic Schools	Continuity of Operations Plan	2012
Two Rivers School District	Continuity of Operations Plan	2010
Vilonia School District	Continuity of Operations Plan	2011

CONTINUITY OF OPERATIONS PROGRAM (COOP)

The Arkansas Department of Information Services (DIS) also offers disaster service and contingency programming for schools and school districts. These services are provided free to school districts. The contingency plans provided by DIS include, but are not limited to, technical disasters, cyber events, natural disasters, terroristic threats, and active shooters. According to the out-going program director, “the Arkansas Department of Information Systems hosts the Arkansas Continuity of Operations Program (ACOOOP) which provides a free service of hosting, consulting and training for plan creation and maintenance. The program is available to all public organizations within the State and our staff members are primarily trained in emergency management. The planning relates to all hazards including physical, cyber or man-made events. Planning covers initial response (making sure organizations have viable emergency action plans that cover exits, fire escape meeting areas, tornado safe areas, gas main leaks, etc.), alternate locations for information technology (i.e., where will they run payroll if their primary site is down, where are their backups being stored) as well as facility alternate locations and memorandum of agreements with local buildings that the district could use if their facilities were no longer available.” Below is a matrix showing the evolution of the program from 2007 through the present:

Program Participation	2007	2012	Current
Plans	1000	1774	1804
Planners	600	1138	1405
State Agencies	100	110	111
K-12 Schools	0	214	224
Counties	0	63	70
Cities	0	62	72
Institutes of Higher Education	0	11	11
Libraries	0	2	40

ARKANSAS SAFE SCHOOLS ASSOCIATION

This is a “non-profit organization consisting of school resource officers, school safety personnel, school administrators and others striving to provide consistent, affordable, up-to-date training that is available to all law enforcement agencies and school districts across the state” aimed at improving the safety conditions of Arkansas schools, according to organization’s mission statement (<http://www.arkansassafeschools.org/>). They offer a number of conferences, lectures, and exhibitions throughout the year.

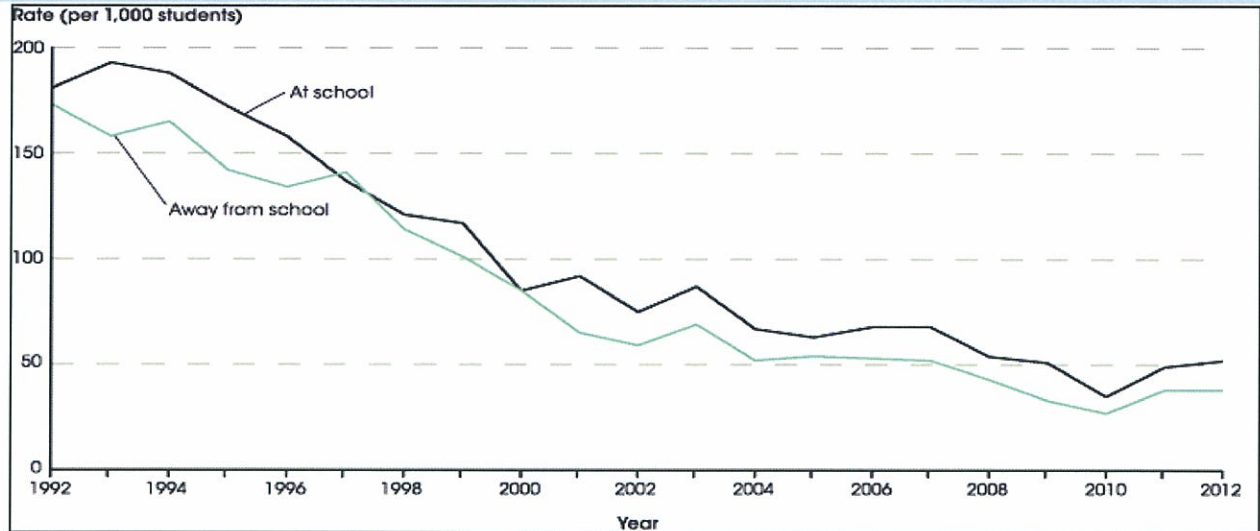
PRIVATE ORGANIZATIONS

There may also be private training and resource organizations available to schools and school districts. However, because there is no overarching enforcement or reporting mechanism, districts may need to be contacted directly in order to determine which, if any, private organizations are being used to create emergency plans.

VIOLENCE AND BULLYING IN ARKANSAS SCHOOLS

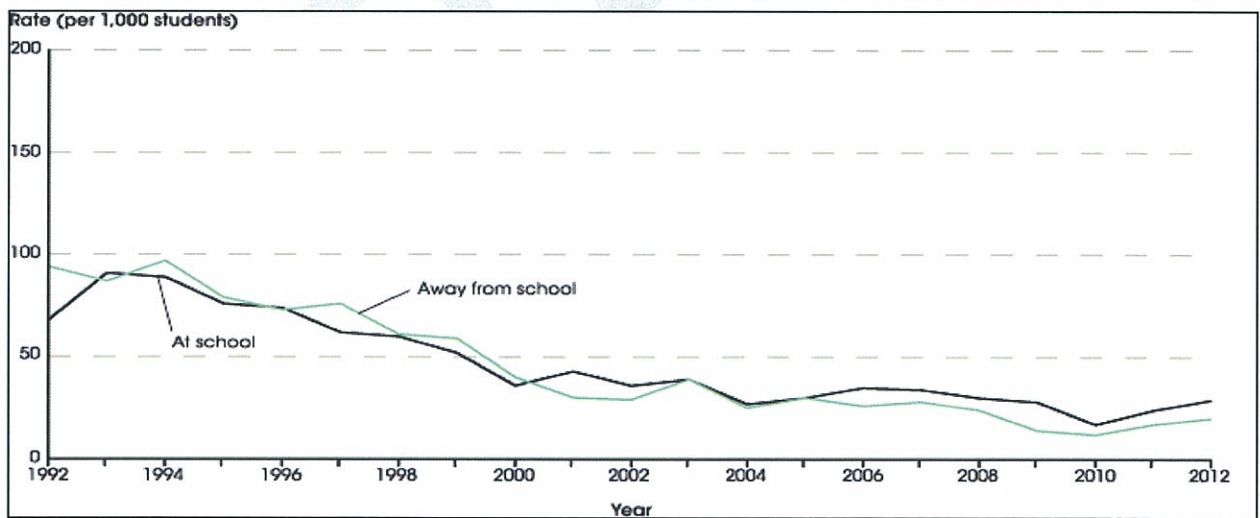
Over the previous two decades, the United States has seen an overall decline in the number of violent, nonfatal acts on school campuses.⁶ Figures 1 and 2 below show an overall decrease in all nonfatal victimizations as well as a decrease in violent victimizations across randomly selected U.S. schools (NCES 2013).

FIGURE 1. NATIONAL RATE OF TOTAL NONFATAL VICTIMIZATIONS AGAINST STUDENTS AGES 12-18 PER 1,000 STUDENTS, BY LOCATION: 1992-2012



Source: NCES.ed.gov

FIGURE 2. NATIONAL RATE OF ALL VIOLENT VICTIMIZATIONS AGAINST STUDENTS AGES 12-18 PER 1,000 STUDENTS, BY LOCATION: 1992-2012



Source: NCES.ed.gov

Using two indicators of school violence from the 2012 Bureau of Justice Statistics Indicators of School Crime and Safety (the percentage of public school teachers physically attacked by a student and the percentage of public school students threatened or injured with a weapon on school property), Arkansas ranked 13th and 14th, respectively, among SREB states and 6th and 3rd in these categories among surrounding states (please see Tables 3 and 4).

⁶ Nonfatal victimizations are defined as theft and all violent crime; included in violent crime are serious violent crime (rape, sexual assault, robbery, and aggravated assault) and simple assault (NCES.ed.gov).

TABLE 3. PERCENTAGE AND NUMBER OF PUBLIC SCHOOL TEACHERS WHO REPORTED THAT THEY WERE PHYSICALLY ATTACKED BY A STUDENT FROM SCHOOL DURING THE PREVIOUS 12 MONTHS, BY STATE: VARIOUS SCHOOL YEARS, 1993-94 THROUGH 2007-08

Surrounding States									
	Percent Attacked				Number Attacked				
	1993-94	1999-00	2003-04	2007-08	1993-94	1999-00	2003-04	2007-08	
1. TX	4	4.8	3.9	4.2	9000	12800	11200	14100	
2. MO	3.2	5.6	5.5	5.3	2000	3600	4100	3800	
3. OK	11	8.5	6.1	7.4	4600	3900	2800	3400	
4. TN	3.5	2.6	3.5	3.9	1700	1500	2200	2600	
5. LA	6.6	5	2.7	4	3200	2600	1400	1900	
6. AR	3	2.5	2.7	3.9	900	800	1000	1400	

Source: BJS 2012

SREB States									
	Percent Attacked				Number Attacked				
	1993-94	1999-00	2003-04	2007-08	1993-94	1999-00	2003-04	2007-08	
1. TX	4	4.8	3.9	4.2	9000	12800	11200	14100	
2. FL	4.9	6.7	6.5	4	5200	8600	10200	7100	
3. NC	6	5.5	4.4	5.9	4300	4800	4200	5700	
4. VA	6.9	4.9	2.7	6	4500	3900	2500	5600	
5. MD	8.6	4.6	6.5	8.4	3800	2500	3900	5000	
6. GA	3.4	3.6	4.6	4	2500	3100	4700	4900	
7. OK	11	8.5	6.1	7.4	4600	3900	2800	3400	
8. KY	3.8	4.5	2.7	5.8	1600	1900	1300	2600	
9. TN	3.5	2.6	3.5	3.9	1700	1500	2200	2600	
10. VA	6.9	4.9	2.7	6	4500	3900	2500	5600	
11. AL	3.2	3.8	2.7	3.2	1400	1900	1400	1700	
12. SC	3.8	5.3	3.2	2.9	1500	2300	1500	1400	
13. AR	3	2.5	2.7	3.9	900	800	1000	1400	
14. MS	4.1	3.7	0.9	2.9	1200	1200	300	1000	
15. WV	3	3.4	3.2	3.9	600	800	700	900	
16. DE	7.1	5.3	3.1	5.4	500	400	200	400	

Source: BJS 2012

TABLE 4. PERCENTAGE OF PUBLIC SCHOOL STUDENTS IN GRADES 9-12 WHO REPORTED BEING THREATENED OR INJURED WITH A WEAPON ON SCHOOL PROPERTY AT LEAST ONE TIME DURING THE PREVIOUS 12 MONTHS, BY STATE: VARIOUS YEARS, 2003-2011

Surrounding States					
	2003	2005	2007	2009	2011
1. LA	--	--	--	9.5	8.7
2. TX	--	9.3	8.7	7.2	6.8
3. AR	--	9.6	9.1	11.9	6.3
4. TN	8.4	7.4	7.3	7.0	5.8
5. OK	7.4	6.0	7.0	5.8	5.7
6. MO	7.5	9.1	9.3	7.8	--

Source: BJS 2012

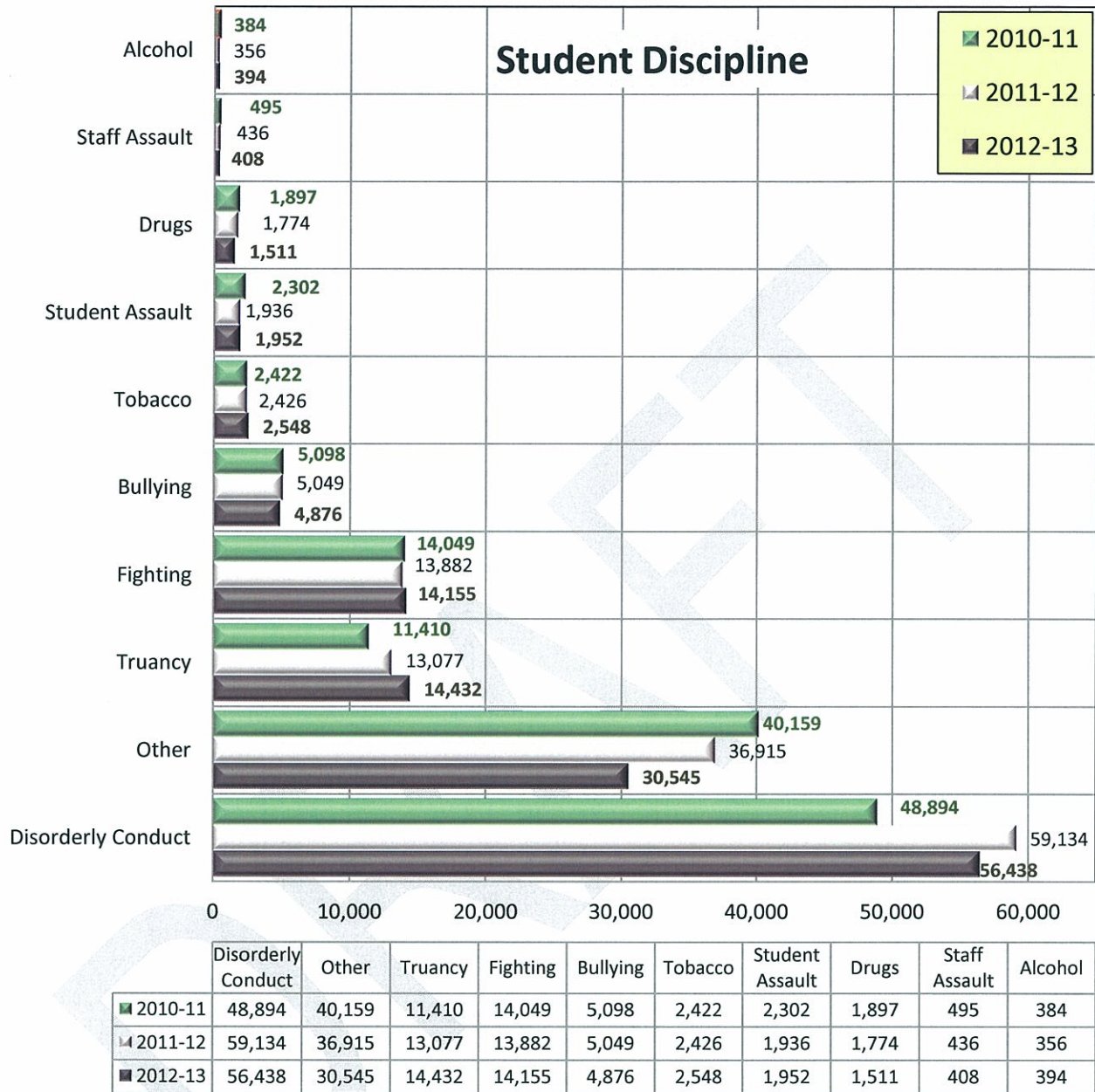
SREB States					
	2003	2005	2007	2009	2011
1. GA	8.2	8.3	8.1	8.2	11.7
2. SC	--	10.1	9.8	8.8	9.2
3. NC	7.2	7.9	6.6	6.8	9.1
4. LA	--	--	--	9.5	8.7
5. MD	--	11.7	9.6	9.1	8.4
6. AL	7.2	10.6	--	10.4	7.6
7. MS	6.6	--	8.3	8.0	7.5
8. KY	5.2	8.0	8.3	7.9	7.4
9. FL	8.4	7.9	8.6	8.2	7.2
10. VA	--	--	--	--	7.0
11. TX	--	9.3	8.7	7.2	6.8
12. WV	8.5	8.0	9.7	9.2	6.6
13. DE	7.7	6.2	5.6	7.8	6.4
14. AR	--	9.6	9.1	11.9	6.3
15. TN	8.4	7.4	7.3	7.0	5.8
16. OK	7.4	6.0	7.0	5.8	5.7

Source: BJS 2012

Figure 3 shows that the state of Arkansas has seen a slight overall decrease in the reporting of violent acts (staff assault, student assault, fighting, and bullying) on school campuses over the past three years.⁷

⁷ However, it is important to note that there are possible inconsistencies in the use of APSCN reporting codes that could lead to the incorrect categorization of infractions and, possibly, subsequent bias in the reported statistics. Currently, these are the most reliable indicators of incidences of violence and bullying for public schools in Arkansas.

FIGURE 3. ARKANSAS APSCN REPORTING OF SELECTED DISCIPLINARY INFRACTIONS, BY DISTRICT: 2010-13



Source: ADE 2014

During the 2013 Educational Adequacy Study, seventy-four schools were randomly selected throughout the state of Arkansas to be visited by a team from the Bureau of Legislative Research. During these site visits, a survey was administered to each school principal. This survey included questions related to school discipline and the time each principal, or principal’s representative, spent on discipline-related activities. The informal information collected through this process indicates that principals perceive there to be a small increase in the amount of time spent disciplining students over the 2012-13 school year.⁸ Specifically, the principals were asked the following question:

⁸ The survey is administered to the principals of randomly selected schools across the state of Arkansas biennially.

Over the last several years have you noticed a significant increase in the amount of time spent on student discipline?

Of the fifty-three responses to this question, twenty-five (47%) principals indicated that they saw an increase in the time spent on discipline, sixteen (30%) principals indicated that they saw an overall decrease in the time spent on discipline, and twelve (22%) indicated that they saw no change in the time spent on discipline. Of those principals who reported seeing an increase in the time spent on student discipline, the following were the most frequent explanations given as to why they believed this increase to be occurring:

- students have more emotional and severe mental health needs than in previous years
- there is a lack of parental involvement; home lives are unstable
- there is an increase in time spent on discipline due to the new 'bullying' classification and social media
- there are negative social influences/sense of entitlement

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APPENDIX A – STATES MANDATING THAT WITNESSES TO INCIDENTS OF BULLYING REPORT OR INTERVENE IN THE BULLYING

PROVISIONS REQUIRING BOTH STAFF AND STUDENTS TO REPORT INCIDENTS OF BULLYING	
Alaska	“A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, shall report the incident to an appropriate school official.” AS § 14.33.220(b).
Rhode Island	“The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following: . . . (2) Clear requirements and procedures for students, staff, parents, guardians and others to report bullying or retaliation....” Gen.Laws 1956, §16-21-34(a).
South Carolina	“A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.” Code 1976 § 59-63-130(B).

PROVISIONS REQUIRING STAFF TO REPORT INCIDENTS OF BULLYING	
Arizona	“The governing board shall: . . . 37. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils . . . that include the following components: (b) A requirement that school district employees report in writing suspected incidents of harassment, intimidation or bullying to the appropriate school official and a description of appropriate disciplinary procedures for employees who fail to report suspected incidents that are known to the employee.” A.R.S. § 15-341.A.
Arkansas	“The [antibullying] policies shall: . . . (D) Require that a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying as defined by the district shall report the incident to the principal;” A.C.A. § 6-18-514(e)(2).
California	“The complaint process shall include, but not be limited to, all of the following: (1) A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so.” West’s Ann. Cal. Educ. Code § 234.1(b).
Connecticut	“Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying in its schools. Such plan shall: . . . (3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist, described in section 9 of public act 11-232, or another school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report” C.G.S.A. § 10-222d(b).
Delaware	“Each school district and charter school shall establish a policy which, at a minimum, includes the following components: . . . e. A requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the administration.” 14 Del. C. § 4112D(b)(2).
Kentucky	“Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the principal of the school attended by the victim.” KRS § 158.156(1).
Massachusetts	“A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both.” M.G.L.A. 71 § 370(g).
Mississippi	“A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.” Miss. Code Ann. § 37 -11-67(4).

PROVISIONS REQUIRING STAFF TO REPORT INCIDENTS OF BULLYING

Missouri	“Each district's antibullying policy shall require district employees to report any instance of bullying of which the employee has firsthand knowledge.” V.A.M.S. 160.775.4.
Nevada	“A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.” 2011 Nevada Laws Ch. 376 (S.B. 276), § 14.1.
New Jersey	“All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. . . . All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying;” N.J.S.A. 18A:37-15.b(5).
North Carolina	“A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.” N.C.G.S.A. § 115C-407.15(d).
Ohio	“The policy shall include the following: . . . (4) A requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal” R.C. § 3313.666(B).
West Virginia	“Each county board policy shall, at a minimum, include the following components: . . . (4) A requirement that school personnel report prohibited incidents of which they are aware” W. Va. Code, § 18-2C-3(b).

Source: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/State_Anti_bullying_Legislation_Overview_0.pdf

APPENDIX B – STATES REQUIRING REPORTING OF CERTAIN BULLYING INCIDENTS TO LAW ENFORCEMENT AGENCIES

Alaska	"The [harassment, intimidation, and bullying 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." AS § 14.33.200(b).
Connecticut	"Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying in its schools. Such plan shall: . . . (14) require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct" C.G.S.A. § 10-222d(b).
Kentucky	"The principal shall file with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report a written report containing: (a) The names and addresses of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision; (b) The student's age; (c) The nature and extent of the violation; (d) The name and address of the student allegedly responsible for the violation; and (e) Any other information that the principal making the report believes may be helpful in the furtherance of the purpose of this section." KRS § 158.156(1).
Massachusetts	"(d) . . . Each plan shall include, but not be limited to: . . . (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator. . . . (g) . . . 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" M.G.L.A. 71 § 370.
Missouri	"The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes: . . . (24) Harassment under section 565.090; or (25) Stalking under section 565.225; committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities." V.A.M.S. 160.261.2.
Nevada	"The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency." 2011 Nevada Laws Ch. 376 (S.B. 276), § 17.
North Dakota	"The policy required by this section must: . . . f. Require the notification of law enforcement personnel if an investigation by school district personnel results in a reasonable suspicion that a crime might have occurred" NDCC, 15.1-19-18.2.
Pennsylvania	"The regulations shall include the following: . . . (2) Protocol for the notification of the police department when an offense listed under section 1303-A(b)(4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs. (3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b)(4.2) or any other offense that occurs on school property." 24 P.S. § 13-1302.1-A(a) (footnote omitted). "Reports on a form to be developed and provided by the office [for safe schools] shall include:... (4.1) A list of criminal offenses which shall, at a minimum, include: (i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses)... Section 2709.1 (relating to stalking)... (4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:... Section 2709 (relating to harassment)." 24 P.S. § 13-1303-A(b).
Rhode Island	"The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following: . . . (8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification of the local law enforcement agency when criminal charges may be pursued against the perpetrator" Gen. Laws 1956, § 16-21-34(a).

APPENDIX C – STATES REQUIRING DISCIPLINE AS A CONSEQUENCE FOR BULLYING

PROVISIONS REQUIRING BULLYING POLICIES TO INCLUDE DISCIPLINARY CONSEQUENCES	
Alaska	“The [harassment, intimidation, and bullying 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.” AS § 14.33.200(b).
Arizona	“The governing board shall: . . . 37. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils . . . that include the following components: . . . (g) Disciplinary procedures for pupils who have admitted or been found to have committed incidents of harassment, intimidation or bullying.” A.R.S. § 15-341.A.
Arkansas	“(2) The [antibullying] policies shall: . . . (C) State the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved ...” A.C.A. § 6-18-514(e)(2)
California	“A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive: . . . (r) Engaged in an act of bullying.” West's Ann. Cal. Educ. Code § 48900.
Colorado	“Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.” C.R.S.A. § 22-32-109.1(2)(a)(X)(A).
Connecticut	“Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying in its schools. Such plan shall: . . . (11) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline” C.G.S.A. § 10-222d(b).
Delaware	“Each school district and charter school shall establish a policy which, at a minimum, includes the following components: . . . h. An identification of an appropriate range of consequences for bullying.” 14 Del. C. § 4112D(b)(2).
Florida	“The school district policy must contain, at a minimum, the following components: . . . (d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.” West's F.S.A. § 1006.147(4).
Georgia	“(b) ... (2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school.... (c)...Such model policy shall include:... (4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances...” Ga. Code Ann., § 20-2-751.4
Idaho	“The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.”
Illinois	“The school board, in consultation with the parent-teacher advisory committee and other community-based organizations, must include provisions in the student discipline policy to address students who have demonstrated behaviors that put them at risk for aggressive behavior, including without limitation bullying, as defined in the policy.” 105 ILCS 5/10-20.14(d). [note that in August, 2011 IL passed a bill adding “gross disobedience or misconduct perpetuated by electronic means,” and “explicit threat[s] on an Internet website against a school employee, a student, or any school-related personnel,” to the reasons for which students may be expelled or suspended. 105 ILCS 5/10-22.6]

**PROVISIONS REQUIRING BULLYING POLICIES TO
INCLUDE DISCIPLINARY CONSEQUENCES**

Iowa	"Each policy shall, at a minimum, include all of the following components: . . . d. The consequences and appropriate remedial action for a person who violates the antiharassment and antibullying policy." I.C.A. § 280.28.3.
Kentucky	"The code shall contain the type of behavior expected from each student, the consequences of failure to obey the standards, and the importance of the standards to the maintenance of a safe learning environment where orderly learning is possible and encouraged." KRS § 158.148(4)(b).
Maryland	"The model policy developed under paragraph (1) of this subsection shall include: . . . (iv) Standard consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation...." MD Code, Education, §7-424.1(b)(2)
Massachusetts	"(d) . . . Each plan shall include, but not be limited to: . . . (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior (g) . . . If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall . . . (ii) take appropriate disciplinary action . . ." M.G.L.A. 71 § 370.
Michigan	"A policy adopted pursuant to subsection (1) shall include at least all of the following: . . . (i) A procedure for each public school to document any prohibited incident that is reported and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of the school district or intermediate school district or board of directors of the public school academy on an annual basis." M.C.L.A. 380.1310b(5).
Missouri	"Each such [antibullying] policy shall contain a statement of the consequences of bullying." V.A.M.S. 160.775.3.
Nebraska	"The following student conduct shall constitute 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: . . . (8) Engaging in bullying as defined in section 79-2,137 . . ." Neb. Rev. St. § 79-267
Nevada	"The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district." 2011 Nevada Laws Ch. 376 (S.B. 276), § 14.2.
New Hampshire	"The policy shall contain, at a minimum, the following components: . . . (d) A statement that there shall be disciplinary consequences or interventions, or both, for a pupil who commits an act of bullying or cyberbullying, or falsely accuses another of the same as a means of retaliation or reprisal. . . . (k) A requirement that the principal or designee develop a response to remediate any substantiated incident of bullying or cyberbullying, including imposing discipline if appropriate, to reduce the risk of future incidents and, where deemed appropriate, to offer assistance to the victim or perpetrator. When indicated, the principal or designee shall recommend a strategy for protecting all pupils from retaliation of any kind." N.H. Rev. Stat. § 193-F:4.II.
New Jersey	"*T+he policy shall contain, at a minimum, the following components: . . . (4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying . . ." N.J.S.A. 18A:37-15.b.
North Carolina	"The policy shall contain, at a minimum, the following components: . . . (4) Consequences and appropriate remedial action for a person who commits an act of bullying or harassment." N.C.G.S.A. § 115C-407.16(b)
North Dakota	"The policy required by this section must: . . . e. Set forth the disciplinary measures applicable to an individual who engaged in bullying or who engaged in reprisal or retaliation, as set forth in subsection 1 . . ." NDCC, 15.1-19-18.2.
Ohio	"The policy shall include the following: . . . (9) A disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student's rights under the first amendment to the Constitution of the United States . . ." R.C. § 3313.666(B).
Oklahoma	"Each district board of education shall adopt a policy for the control and discipline of all children attending public school in that district, and for the investigation of reported incidents of harassment, intimidation, bullying, or threatening behavior." 70 Okl. St. Ann. § 24-100.4.A.
Oregon	"School districts must include in the policy: . . . (k) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying or an act of cyberbullying." O.R.S. § 339.356(2).

**PROVISIONS REQUIRING BULLYING POLICIES TO
INCLUDE DISCIPLINARY CONSEQUENCES**

Pennsylvania	"The [bullying] policy shall delineate disciplinary consequences for bullying..."24P.S. § 13-1303.1-A(a)
Rhode Island	"The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following: . . . (5) The range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; and provided, further: (i) A parental engagement strategy; and (ii) A provision that states punishments for violations of the bullying policy shall be determined by the school's appropriate authority; however, no student shall be suspended from school unless it is deemed a necessary consequence of the violations" Gen. Laws 1956, § 16-21-34(a).
South Carolina	"The policy must include, but not be limited to, the following components: . . . (4) consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation" Code 1976 § 59-63-140(B).
Tennessee	"School districts shall include in the policies: . . . (4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyber-bullying" T.C.A. § 49-6-1016(b).
Texas	"The board of trustees of a school district may transfer the student who engaged in bullying to: (1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or (2) a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying." V.T.C.A., Education Code § 25.0342(b-1). "The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that: . . . (7) prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying; and (8) requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.)." V.T.C.A., Education Code § 37.0832(c).
Vermont	"The harassment prevention policy shall include: . . . (C) Consequences and appropriate remedial action for staff or students who commit harassment." 16 V.S.A. § 565(b)(1).
West Virginia	"Each county board policy shall, at a minimum, include the following components: . . . (9) A disciplinary procedure for any student guilty of harassment, intimidation or bullying" W. Va. Code, § 18-2C-3(b).
Wyoming	"The policy prohibiting harassment, intimidation or bullying shall include, without limitation: . . . (iii) Consequences and appropriate remedial actions for persons committing acts of harassment, intimidation or bullying or engaging in reprisal or retaliation" W.S.1977 § 21-4-314(b).

**PROVISIONS REQUIRING DISCIPLINARY CONSEQUENCES
INCLUDED IN NON-MANDATORY MODEL POLICIES**

Alabama	"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." Ala. Code 1975 § 16-28B-5.
Wisconsin	"The [model] policy shall include all of the following: . . . 7. A list of disciplinary alternatives for pupils that engage in bullying or who retaliate against a pupil who reports an incident of bullying." W.S.A. 118.46(1)(a).

Source: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/State_Anti_bullying_Legislation_Overview_0.pdf

APPENDIX C1 – STATES REQUIRING DISCIPLINARY ACTIONS TO BE BALANCED WITH NEED TO TEACH APPROPRIATE BEHAVIOR

Massachusetts	“(d) . . . Each plan shall include, but not be limited to: . . . (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior (g) . . . If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall . . . (ii) take appropriate disciplinary action” Mass. Gen. Laws Ann. Ch. 71 § 37O (2011).
Rhode Island	“The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following: . . . (5) The range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; and provided, further: (i) A parental engagement strategy; and (ii) A provision that states punishments for violations of the bullying policy shall be determined by the school's appropriate authority; however, no student shall be suspended from school unless it is deemed a necessary consequence of the violations” R.I. Gen. Laws 1956, § 16-21-34(a).

Source: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/State_Anti_bullying_Legislation_Overview_0.pdf

DRAFT

APPENDIX D – CRIMINALIZATION OF BULLYING BEHAVIORS

STATES CREATING CRIMINAL LAWS RELATED TO BULLYING	
Arkansas	“(b) A person commits the offense of cyberbullying if: (1) He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, harass, or alarm another person; and (2) The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person.” Ark. Code Ann. § 5-71-217.
Idaho	“(1) No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student. (2) As used in this section, ‘harassment, intimidation or bullying’ means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that: (a) A reasonable person under the circumstances should know will have the effect of: (i) Harming a student; or (ii) Damaging a student’s property; or (iii) Placing a student in reasonable fear of harm to his or her person; or (iv) Placing a student in reasonable fear of damage to his or her property; or (b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student. An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network. (3) A student who personally violates any provision of this section may be guilty of an infraction.” I.C. § 18-917A.
Louisiana	“A. Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen. B. For purposes of this Section: (1) ‘Cable operator’ means any person or group of persons who provides cable service over a cable system and directly, or through one or more affiliates, owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system. (2) ‘Electronic textual, visual, written, or oral communication’ means any communication of any kind made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service. (3) ‘Interactive computer service’ means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions. (4) ‘Telecommunications service’ means the offering of telecommunications for a fee directly to the public, regardless of the facilities used. C. An offense committed pursuant to the provisions of this Section may be deemed to have been committed where the communication was originally sent, originally received, or originally viewed by any person. D. (1) Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both. (2) When the offender is under the age of seventeen, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children’s Code. E. The provisions of this Section shall not apply to a provider of an interactive computer service, provider of a telecommunications service, or a cable operator as defined by the provisions of this Section. F. The provisions of this Section shall not be construed to prohibit or restrict religious free speech pursuant to Article I, Section 8 of the Constitution of Louisiana.” LSA-R.S. 14:40.7.
North Carolina	“(a) Except as otherwise made unlawful by this Article, it shall be unlawful for any person to use a computer or computer network to do any of the following: (1) With the intent to intimidate or torment a minor: a. Build a fake profile or Web site; b. Pose as a minor in: 1. An Internet chat room; 2. An electronic mail message; or 3. An instant message; c. Follow a minor online or into an Internet chat room; or d. Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a minor. (2) With the intent to intimidate or torment a minor or the minor’s parent or guardian: a. Post a real or doctored image of a minor on the Internet; b. Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password protected account or stealing or otherwise accessing passwords; or c. Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a minor. (3) Plant any statement, whether true or false, tending to provoke or that actually provokes any third party to stalk or harass a minor. (4) Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a minor for the purpose of intimidating or tormenting that minor (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network). (5) Sign up a minor for a pornographic Internet site. (6) Without authorization of the minor or the minor’s parent or guardian,

STATES CREATING CRIMINAL LAWS RELATED TO BULLYING

North Carolina	<p>sign up a minor for electronic mailing lists or to receive junk electronic messages and instant messages, resulting in intimidation or torment of the minor. (b) 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. (c) Whenever any person pleads guilty to or is guilty of an offense under this section, and the offense was committed before the person attained the age of 18 years, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation upon such reasonable terms and conditions as the court may require. Upon fulfillment of the terms and conditions of the probation provided for in this subsection, the court shall discharge the defendant and dismiss the proceedings against the defendant. Discharge and dismissal under this subsection shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Upon discharge and dismissal pursuant to this subsection, the person may apply for an order to expunge the complete record of the proceedings resulting in the dismissal and discharge, pursuant to the procedures and requirements set forth in G.S. 15A-146." N.C.G.S.A. § 14-458.1.</p>
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STATES MODIFYING EXISTING CRIMINAL LAWS

Georgia	<p>"It shall be unlawful for any person to knowingly, intentionally, or recklessly disrupt or interfere with the operation of any public school, public school bus, or public school bus stop as designated by local school boards of education. Any person violating this Code section shall be guilty of a misdemeanor of a high and aggravated nature." Ga. Code Ann., § 20-2-1181.</p>
Massachusetts	<p>"(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. (b) Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year. A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment. A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the</p>

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Massachusetts

power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this subsection. (c) Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years. A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment. A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this section." M.G.L.A. 265 § 43. "(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 ½ years or by a fine of not more than \$1,000, or by both such fine and imprisonment. The conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. (b) Whoever, after having been convicted of the crime of criminal harassment, commits a second or subsequent such crime, or whoever commits the crime of criminal harassment having previously been convicted of a violation of section 43, shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than ten years." M.G.L.A. 265 § 43A. "(1) Whoever, directly or indirectly, willfully (a) threatens, or attempts or causes physical injury, emotional injury, economic injury or property damage to; (b) conveys a gift, offer or promise of anything of value to; or (c) misleads, intimidates or harasses another person who is: (i) a witness or potential witness at any stage of a criminal investigation, grand jury proceeding, trial or other criminal proceeding of any type; (ii) a person who is or was aware of information, records, documents or objects that relate to a violation of a criminal statute, or a violation of conditions of probation, parole or bail; (iii) a judge, juror, grand juror, prosecutor, police officer, federal agent, investigator, defense attorney, clerk, court officer, probation officer or parole officer; (iv) a person who is furthering a civil or criminal proceeding, including criminal investigation, grand jury proceeding, trial, other criminal proceeding of any type, probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court ordered mediation, any other civil proceeding of any type; or (v) a person who is or was attending or had made known his intention to attend a civil or criminal proceeding, including criminal investigation, grand jury proceeding, trial, other criminal proceeding of any type, probate and family proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation, any other civil proceeding of any type with the intent to impede, obstruct, delay, harm, punish or otherwise interfere thereby, or do so with reckless disregard, with such a proceeding shall be punished by imprisonment in a jail or house of correction for not more than 2 and one-half years or by imprisonment in a state prison for not more than 10 years, or by a fine of not less than \$1,000 nor more than \$5,000, or by both such fine and

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Massachusetts

imprisonment. (2) As used in this section, 'investigator' shall mean an individual or group of individuals lawfully authorized by a department or agency of the federal government, or any political subdivision thereof, or a department or agency of the commonwealth, or any political subdivision thereof, to conduct or engage in an investigation of, prosecution for, or defense of a violation of the laws of the United States or of the commonwealth in the course of his official duties. (3) As used in this section, 'harass' shall mean to engage in any act directed at a specific person or persons, which act seriously alarms or annoys such person or persons and would cause a reasonable person to suffer substantial emotional distress. Such act shall include, but not be limited to, an act conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including but not limited to any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. (4) A prosecution under this section may be brought in the county in which the criminal investigation, grand jury proceeding, trial or other criminal proceeding is being conducted or took place, or in the county in which the alleged conduct constituting an offense occurred." M.G.L.A. 268 § 13B. "Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, annoying or molesting the person or the person's family, whether or not conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months, or by both such a fine and imprisonment. For purposes of this section, 'electronic communication' shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system." M.G.L.A. 269 § 14A.

Missouri

"1. A person commits the crime of harassment if he or she: (1) Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person; or (2) When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm; or (3) Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or (4) Knowingly communicates with another person who is, or who purports to be, seventeen years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person; or (5) Knowingly makes repeated unwanted communication to another person; or (6) Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person. 2. Harassment 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 pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this subsection. In such cases, harassment shall be a class D felony. 3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law." V.A.M.S. 565.090. "1. As used in this section, the following terms shall mean: (1) 'Course of conduct', a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests; (2) 'Credible threat', a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606, RSMo, kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section 276.606, RSMo, kept at such person's residence or on such person's property; (3) 'Harasses', to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable

STATES MODIFYING EXISTING CRIMINAL LAWS

Missouri	<p>person under the circumstances to be frightened, intimidated, or emotionally distressed. 2. A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person. 3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and: (1) Makes a credible threat; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person harassing the other person is twenty-one years of age or older; or (5) He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim. 4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony. 5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony. 6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section. 7. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law." V.A.M.S. 565.225.</p>
Nevada	<p>"1. A person shall not, through the use of any means of oral, written or electronic communication, including, without limitation, through the use of cyber-bullying, knowingly threaten to cause bodily harm or death to a pupil or employee of a school district or charter school with the intent to: (a) Intimidate, harass, frighten, alarm or distress a pupil or employee of a school district or charter school; (b) Cause panic or civil unrest; or (c) Interfere with the operation of a public school, including, without limitation, a charter school. 2. Unless a greater penalty is provided by specific statute, a person who violates the provisions of subsection 1 is guilty of: (a) A misdemeanor, unless the provisions of paragraph (b) apply to the circumstances. (b) A gross misdemeanor, if the threat causes: (1) Any pupil or employee of a school district or charter school who is the subject of the threat to be intimidated, harassed, frightened, alarmed or distressed; (2) Panic or civil unrest; or (3) Interference with the operation of a public school, including, without limitation, a charter school. 3. As used in this section: (a) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123. (b) "Oral, written or electronic communication" includes, without limitation, any of the following: (1) A letter, note or any other type of written correspondence. (2) An item of mail or a package delivered by any person or postal or delivery service. (3) A telegraph or wire service, or any other similar means of communication. (4) A telephone, cellular phone, satellite phone, page or facsimile machine, or any other similar means of communication. (5) A radio, television, cable, closed-circuit, wire, wireless, satellite or other audio or video broadcast or transmission, or any other similar means of communication. (6) An audio or video recording or reproduction, or any other similar means of communication. (7) An item of electronic mail, a modem or computer network, or the Internet, or any other similar means of communication." N.R.S. 392.915.</p>

Source: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/State_Anti_bullying_Legislation_Overview_0.pdf

APPENDIX E – BULLYING EDUCATION IN STATE LAWS

STATES WITH STATUTORY PROVISIONS MANDATING BULLYING EDUCATION	
Florida	“The school district policy must contain, at a minimum, the following components: . . . (l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.” West’s F.S.A. § 1006.147(4).
Indiana	“Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must: (1) prohibit bullying; and (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention.” IC 20-33-8-13.5(a).
Kansas	“The board of education of each school district shall adopt and implement a plan to address bullying on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students.” K.S.A. 72-8256(c).
Maryland	“Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools: (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents . . .” MD Code, Education, § 7-424.1(g).
Nebraska	“On or before July 1, 2009, each school district as defined in section 79-101 shall develop and adopt a policy concerning bullying prevention and education for all students.” Neb. Rev. St. § 79-2,137(3).
Nevada	“The policy *for the ethical, safe and secure use of computers and other electronic devices+ must include, without limitation: (a) The ethical use of computers and other electronic devices, including, without limitation: . . . (2) Methods to ensure the prevention of: (l) Cyber-bullying; . . . (b)The safe use of computers and other electronic devices, including, without limitation, methods to: (1) Avoid harassment, cyber-bullying and other unwanted electronic communication . . .” N.R.S. 389.520.2. “The school safety team shall: . . . (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying, cyber-bullying, harassment and intimidation . . .” 2011 Nevada Laws Ch.376(S.B. 276), §12.3.
North Dakota	“Each school district shall provide bullying prevention programs to all students from kindergarten through grade twelve.” NDCC, 15.1-19-20.
Ohio	“To the extent that state or federal funds are appropriated for these purposes, each school district shall: . . . (2) Develop a process for educating students about the [harassment, intimidation, or bullying+ policy.” R.C. § 3313.667(B).
Oklahoma	“The *harassment, intimidation, bullying, or threatening behavior+ policy shall: . . . 2. Address prevention of and education about such behavior . . .” 70 Okl. St. Ann. § 24-100.4.A.
Vermont	“The board shall use its discretion in developing and initiating age-appropriate programs to effectively inform students about the substance of the [harassment and hazing prevention] policy and procedures in order to help prevent harassment, and hazing.” 16 V.S.A. § 565(d).
Washington	“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. The school directors' association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider.” West’s RCWA 28A.300.285(5).

STATES WITH STATUTORY PROVISIONS RECOMMENDING OR ENCOURAGING BULLYING EDUCATION

Alaska	"By January 1, 2007, the department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information." AS § 14.33.200(c).
Illinois	"It is recommended that the [age-appropriate curriculum for Internet safety] unit of instruction include the following topics: . . . (5) Recognizing and reporting online harassment and cyber-bullying." 105 ILCS 5/27-13.3(c).
Michigan	"The legislature encourages a board or board of directors to include all of the following in the [bullying] policy required under this section: . . . (c) A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying." M.C.L.A. 380.1310b(6).
Oregon	"School districts are encouraged to incorporate into existing training programs for students and school employees information related to the prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying." O.R.S. § 339.359(1).
Utah	"To the extent that state or federal funding is available for this purpose, school boards are encouraged to implement programs or initiatives . . . to provide for training and education regarding, and the prevention of, bullying, hazing, and retaliation." U.C.A. 1953 § 53A-11a-401(2).
Wisconsin	"The department shall do all of the following: . . . (b) Develop a model education and awareness program on bullying." W.S.A. 118.46(1).

Source: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/State_Anti_bullying_Legislation_Overview_0.pdf

APPENDIX F – PROVISIONS FOR PROFESSIONAL DEVELOPMENT & TRAINING ON BULLYING

STATES REQUIRING PROFESSIONAL DEVELOPMENT OR TRAINING ON BULLYING PREVENTION	
Alabama	<p>"To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide: . . . (3) Foster training for school personnel who are responsible for counseling and supervising students. . . . (11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence." Ala. Code 1975 § 16-28B-8.</p>
Connecticut	<p>"Beginning teachers shall satisfactorily complete instructional modules in the following areas: (A) Classroom management and climate, which shall include training regarding the prevention, identification and response to school bullying, as defined in section 10-222d, and the prevention of and response to youth suicide" C.G.S.A. § 10-145o(e)(1). "(a) Each local or regional board of education shall provide an in-service training program for its teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate. Such program shall provide such teachers, administrators and pupil personnel with information on . . . (4) school violence prevention, conflict resolution, the prevention of and response to youth suicide and the identification and prevention of and response to bullying, as defined in subsection (a) of section 10-222d, except that those boards of education that implement any evidence-based model approach that is approved by the Department of Education and is consistent with subsection (d) of section 10-145a, subsection (a) of section 10-220a, sections 10-222d, 10-222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of public act 08-160, shall not be required to provide in-service training on the identification and prevention of and response to bullying" C.G.S.A. § 10-220a(a). "Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying in its schools. Such plan shall: . . . (17) require that all school employees annually complete the training described in section 10-220a or section 6 of public act 11-232." C.G.S.A. § 10-222d(b). "The Department of Education, in consultation with the State Education Resource Center, the Governor's Prevention Partnership and the Commission on Children, shall establish, within available appropriations, a state-wide safe school climate resource network for the identification, prevention and education of school bullying in the state. Such state-wide safe school climate resource network shall make available to all schools information, training opportunities and resource materials to improve the school climate to diminish bullying." 2011 Conn. Legis. Serv. P.A. 11-232 (S.B. 1138), § 4 "The Department of Education shall provide, within available appropriations, annual training to school employees, as defined in section 10-222d of the general statutes, as amended by this act, except those school employees who hold the initial educator, provisional educator or professional educator certificate, on the prevention, identification and response to school bullying, as defined in section 10-222d of the general statutes, as amended by this act, and the prevention of and response to youth suicide. Such training may include, but not be limited to, (1) developmentally appropriate strategies to prevent bullying among students in school and outside of the school setting, (2) developmentally appropriate strategies for immediate and effective interventions to stop bullying, (3) information regarding the interaction and relationship between students committing acts of bullying, students against whom such acts of bullying are directed and witnesses of such acts of bullying, (4) research findings on bullying, such as information about the types of students who have been shown to be at-risk for bullying in the school setting, (5) information on the incidence and nature of cyberbullying, as defined in section 10-222d of the general statutes, as amended by this act, (6) Internet safety issues as they relate to cyberbullying, or (7) information on the incidence of youth suicide, methods of identifying youths at risk of suicide and developmentally appropriate strategies for effective interventions to prevent youth suicide. Such training may be presented in person by mentors, offered in state-wide workshops or through on-line courses." 2011 Conn. Legis. Serv. P.A. 11-232 (S.B. 1138), § 6.</p>
Delaware	<p>"(a) Each school district and charter school shall ensure that its public school employees receive combined training each year totaling 1 hour in the identification and reporting of criminal youth gang activity pursuant to § 617 of Title 11 and bullying prevention pursuant to § 4112D of this title. The training materials shall be prepared by the Department of Justice and the Department of Education in collaboration with law enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association and the Delaware Association of School Administrators. (b) Any in-service training required by this section shall be provided within the contracted school year as provided in § 1305(e) of this title." 14 Del. C. § 4123A.</p>

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Florida	"The school district policy must contain, at a minimum, the following components: . . . (l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment." West's F.S.A. § 1006.147(4).
Georgia	"The Department of Education shall develop character education program workshops designed for employees of local school systems." Ga. Code Ann., § 20-2-145(b).
Indiana	The Indiana safe schools fund is established to do the following: . . . (5) Provide educational outreach and training to school personnel concerning: (A) the identification of; (B) the prevention of; and (C) intervention in; bullying." IC 5-2-10.1-2(a). "(a) Each school corporation shall designate an individual to serve as the school safety specialist for the school corporation. (b) The school safety specialist shall be chosen by the superintendent of the school corporation with the approval of the governing body. (c) The school safety specialist shall perform the following duties: (1) Serve on the county school safety commission, if a county school safety commission is established under section 10 of this chapter. (2) Participate each year in a number of days of school safety training that the council determines. . . . (5) Act as a resource for other individuals in the school corporation on issues related to school discipline, safety, and security." IC 5-2-10.1-9. "(a) A county may establish a county school safety commission. (b) The members of the commission are as follows: (1) The school safety specialist for each school corporation located in whole or in part in the county. (2) The judge of the court having juvenile jurisdiction in the county or the judge's designee. (3) The sheriff of the county or the sheriff's designee. (4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee. (5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2). (6) Representatives of community agencies that work with children within the county. (7) A representative of the Indiana state police district that serves the county. (8) A representative of the Prosecuting Attorneys Council of Indiana who specializes in the prosecution of juveniles. (9) Other appropriate individuals selected by the commission." IC 5-2-10.1-10. "(a) The school safety specialist training and certification program is established. (b) The school safety specialist training program shall provide: (1) annual training sessions, which may be conducted through distance learning or at regional centers; and (2) information concerning best practices and available resources; for school safety specialists and county school safety commissions. (c) The department of education shall do the following: (1) Assemble an advisory group of school safety specialists from around the state to make recommendations concerning the curriculum and standards for school safety specialist training. (2) Develop an appropriate curriculum and the standards for the school safety specialist training and certification program. The department of education may consult with national school safety experts in developing the curriculum and standards. The curriculum developed under this subdivision must include training in identifying, preventing, and intervening in bullying. (3) Administer the school safety specialist training program and notify the institute of candidates for certification who have successfully completed the training program. (d) The institute shall do the following: (1) Establish a school safety specialist certificate. (2) Review the qualifications of each candidate for certification named by the department of education. (3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification." IC 5-2-10.1-11. "Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools: (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents; and (2) A teacher and administrator development program that trains teachers and administrators to implement the policy." MD Code, Education, § 7-424.1(g).
Massachusetts	"(d) . . . The plan for a school district, charter school, approved private day or residential school and collaborative school 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. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of which shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools. The resources

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	<p>may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website." M.G.L.A. 71 § 37O.</p>
Nevada	<p>"The board of trustees of each school district shall: . . . 2. Provide for the appropriate training of all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the [bullying, cyber-bullying, harassment and intimidation] policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520." N.R.S. 388.134. "1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall: (a) Establish a program of training on methods to prevent, identify and report incidences of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board. (b) Recommend a program of training on methods to prevent, identify and report incidences of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.. (c) Recommend a program of training for school district personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act. 2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board. 3. Each member of a board of trustees of a school district may complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools recommended pursuant to paragraph (b) of subsection 1 and may undergo the training at least one additional time while the person is a member of the board of trustees. 4. Each program of training established and recommended pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet. 5. The board of trustees of a school district may allow school district personnel to attend the program recommended pursuant to paragraph (c) of subsection 1 during regular school hours 6. The Department shall review each program of training established and recommended pursuant to subsection 1 on an annual basis to ensure that the program contains current information concerning the prevention of bullying, cyber-bullying, harassment and intimidation." 2011 Nevada Laws Ch. 376 (S.B. 276), § 8. "In accordance with the regulations adopted by the State Board pursuant to section 18 of this act, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes: . . . (b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act . . ." 2011 Nevada Laws Ch. 376 (S.B. 276), § 9.2. "1. Each school safety team established pursuant to section 11 of this act must consist of the principal or his or her designee and the following persons appointed by the principal:</p> <p>(a) A school counselor; (b) At least one teacher who teaches at the school; (c) At least one parent or legal guardian of a pupil enrolled in the school; and (d) Any other persons appointed by the principal. . . . 3. The school safety team shall: . . . (e) To the extent money is available, participate in any training conducted by the school district regarding bullying, cyberbullying, harassment and intimidation." 2011 Nevada Laws Ch. 376 (S.B. 276), § 12.</p>
Nevada	<p>(a) A school counselor; (b) At least one teacher who teaches at the school; (c) At least one parent or legal guardian of a pupil enrolled in the school; and (d) Any other persons appointed by the principal. . . . 3. The school safety team shall: . . . (e) To the extent money is available, participate in any training conducted by the school district regarding bullying, cyberbullying, harassment and intimidation." 2011 Nevada Laws Ch. 376 (S.B. 276), § 12.</p>
New Hampshire	<p>"Each school district and chartered public school shall provide: (a) Training on policies adopted pursuant to this chapter, within 9 months of the effective date of this section and annually thereafter, for school employees, regular school volunteers, or employees of a company under contract to a school, school district, or chartered public school who have significant contact with pupils for the purpose of preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying . . ." N.H. Rev. Stat. § 193-F:5.I.</p>
New Jersey	<p>"The State Board of Education, in consultation with the New Jersey Youth Suicide Prevention Advisory Council established in the Department of Children and Families pursuant to P.L.2003, c. 214 (C.30:9A-22 et seq.), shall, as part of the professional development requirement established by the State board for public school teaching staff members, require each public school teaching staff member to complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide." N.J.S.A. 18A:6-112. "a. As used in this section, "school leader" means a school district staff member who holds a position that requires the possession of a chief school administrator, principal, or supervisor</p>

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	endorsement. b. A school leader shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required pursuant to State Board of Education regulations. Information on the prevention of harassment, intimidation, and bullying shall also be included in the training. The training shall be offered through a collaborative training model as identified by the Commissioner of Education, in consultation with the State Advisory
New Jersey	Committee on Professional Development for School Leaders.” N.J.S.A. 18A:26-8.2. “a. A school district shall form a school safety team in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. A school safety team shall meet at least two times per school year. b. A school safety team shall consist of the principal or his designee who, if possible, shall be a senior administrator in the school and the following appointees of the principal: a teacher in the school; a school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team. . . . d. The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.” N.J.S.A. 18A:37-21. “The State board shall, as part of the professional development requirement established by the State board for public school teachers, require each public school teacher to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period.” N.J.S.A. 18A:37-22.d.
New York	“The board of education and the trustees or sole trustee of every school district shall create policies and guidelines that shall include, but not be limited to: . . . 2. Guidelines to be used in school training programs to discourage the development of discrimination or harassment and that are designed: a. to raise the awareness and sensitivity of school employees to potential discrimination or harassment, and b. to enable employees to prevent and respond to discrimination or harassment; and 3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods, and requiring that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.” McKinney’s Education Law § 13
North Dakota	“Each school district shall include, in professional development activities, information regarding the prevention of bullying and shall provide information regarding the prevention of bullying to all volunteers and nonlicensed personnel who have contact with students.” NDCC, 15.1-19-19.
Oklahoma	“The Safe School Committee shall study and make recommendations to the principal regarding: . . . 3. Professional development needs of faculty and staff to implement methods to decrease student harassment, intimidation, and bullying” 70 Okl. St. Ann. § 24-100.5.B.
Utah	“(1) A school board shall include in the training of a school employee, training regarding bullying, cyber-bullying, harassment, hazing, and retaliation. (2) To the extent that state or federal funding is available for this purpose, school boards are encouraged to implement programs or initiatives, in addition to the training described in Subsection (1), to provide for training and education regarding, and the prevention of, bullying, hazing, and retaliation. (3) The programs or initiatives described in Subsection (2) may involve: (a) the establishment of a bullying task force; or (b) the involvement of school employees, students, or law enforcement.” U.C.A. 1953 § 53A-11a-401
Vermont	“(1) The harassment prevention policy shall include: . . . (F) A description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing and responding to harassment. (2) The hazing prevention policy shall include: . . . (F) A description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing and responding to hazing.” 16 V.S.A. § 565(b).

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**STATES REQUIRING TRAINING OR PROFESSIONAL DEVELOPMENT ON
THE SCHOOL DISTRICT'S BULLYING POLICY**

Arkansas	"A school district shall provide training on compliance with the antibullying policies to all public school district employees responsible for reporting or investigating bullying under this section." A.C.A. § 6-18-514(f).
Kentucky	"The code [of acceptable behavior and discipline] shall contain: . . . 4. A process for informing students, parents, legal guardians, or other persons exercising custodial control or supervision, and school employees of the requirements of the code and the provisions of this section and KRS 158.156, 158.444, 525.070, and 525.080, including training for school employees . . ." KRS § 158.148(4)(c).
Louisiana	"A. (1) Each member of a city, parish, and other local public school board shall receive a minimum of sixteen hours of training and instruction during his first year of service on the board in order to receive the designation of "Distinguished School Board Member" pursuant to Paragraph (B)(3) of this Section. (2) Except as provided in Paragraph (1) of this Subsection, each member of a city, parish, and other local public school board shall receive a minimum of six hours of training and instruction annually. (3) The training and instruction referred to in Paragraphs (1) and (2) of this Subsection shall be in the school laws of this state, in the laws governing the powers, duties, and responsibilities of city, parish, and other local public school boards, and in educational trends, research, and policy. Such training and instruction also shall include education policy issues, including but not limited to the minimum foundation program and formula, literacy and numeracy, leadership development, dropout prevention, career and technical education, redesigning high schools, early childhood education, school discipline, and harassment, intimidation, and bullying. Training also shall include instruction relative to the provisions of the Open Meetings Law, R.S. 42:11 et seq., and the Public Bid Law, Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950. (4) In a city, parish, or other local public school district that has one or more schools identified as academically unacceptable or in need of academic assistance as defined by the State Board of Elementary and Secondary Education pursuant to policies developed and adopted by the board for implementation of the school and district accountability system, at least two of the hours referred to in Paragraphs (1) and (2) of this Subsection shall focus on the improvement of schools identified as failing schools as defined by the state board pursuant to such policies. B. (1) Any such instruction required by Subsection A of this Section may be received from any of the following sources: (a) A postsecondary education institution in this state. (b) Instruction sponsored by the state Department of Education. (c) An in-service training program conducted by a city, parish, or other local public school board central office or the Louisiana School Boards Association provided that the instruction and the method for demonstrating attendance are preapproved by the Louisiana School Boards Association. (d) Training and instruction received at any conference presented by the National School Boards Association or by the Council of the Great City Schools, provided that verification of attendance by the school board member at any such training is obtained. (2) Each school board member's attendance shall be reported by the instructor to the Louisiana School Boards Association. (3) The postsecondary education institution, the state Department of Education, the school board central office, or the Louisiana School Boards Association that provides such instruction shall issue a certificate of completion annually to each school board member who completes the instruction required by this Section, and a copy of such certificate shall be entered into the minutes of the school board on which such member serves. The superintendent of the school system on which school board the member serves shall be responsible for verifying that any of the training or instruction received by the school board member pursuant to Subsections A and B of this Section meets the requirements of this Section. (4) A school board member who has received a certificate of completion for the initial sixteen hours of training and instruction required by Paragraph (A)(1) of this Section and has also received an annual certificate of completion of the training required by Paragraph (A)(2) of this Section for the subsequent three consecutive years shall receive the designation of "Distinguished School Board Member" and the State Department of Education shall issue each such member an appropriate certificate attesting to such designation. A school board member in office on January 1, 2011, who has prior service on the board may receive the designation if he receives a certificate of completion of sixteen hours of training during 2011 and receives a certificate of completion of the required training for the subsequent three consecutive years." LSA-R.S. 17:53.
Maine	"The Commissioner of Education shall direct the Subcommittee on School and Community Climate of the Children's Cabinet to develop model policies to address bullying, harassment and sexual harassment in schools. In developing these model policies, the subcommittee shall, no later than February 15, 2006: . . . 3. Present the guidelines in a manner appropriate for inclusion in staff and faculty handbooks; 4. Develop a manual to instruct parents, teachers and school administrators on how to implement policies on bullying, harassment and sexual harassment, including recommendations for procedures to be included in a school handbook; and 5. Create training modules for school staff and administration specific to recognizing and implementing procedures to address bullying, harassment and sexual harassment. Training modules must be developed for delivery regionally via interactive television, in person at workshops and conferences and

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	online as Internet-based teaching tools." 2005 Me. Legis. Serv. Ch. 307 (H.P. 419) (L.D. 564), § 4.
Missouri	"The district [antibullying] policy shall address training of employees in the requirements of the district policy." V.A.M.S. 160.775.4.
North Carolina	"(e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program. (f) To the extent funds are appropriated for these purposes, a local school administrative unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students." N.C.G.S.A. § 115C-407.16.
Ohio	"(B) To the extent that state or federal funds are appropriated for these purposes, each school district shall: (1) Provide training, workshops, or courses on the district's harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements." R.C. § 3313.667.
South Carolina	"Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students." Code 1976 § 59-63-140(E).
Wyoming	"Information regarding the school district's policy against harassment, intimidation or bullying shall be incorporated into each district's professional development programs and shall be provided to volunteers and other noncertified employees of the district who have significant contact with students." W.S.1977 § 21-4-314(e).
West Virginia	"To the extent state or federal funds are appropriated for these purposes, each school district shall: (1) Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students . . . (c) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school's current employee training program." W. Va. Code, § 18-2C-5(b).

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APPENDIX G – STATES WITH STATUTORY PROVISIONS FOR EDUCATING PARENTS ON BULLYING

PROVISIONS REQUIRING BULLYING EDUCATION OR PREVENTION PROGRAMS FOR PARENTS	
Connecticut	“Each local and regional board of education shall develop and implement a safe school climate plan to address the existence of bullying in its schools. Such plan shall: . . . (6) include a prevention and intervention strategy, as defined by section 10-222g, for school employees to deal with bullying” C.G.S.A. § 10-222d(b). “For the purposes of section 10-222d, the term ‘prevention and intervention strategy’ may include, but is not limited to . . . (8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.” C.G.S.A. § 10-222g.
Florida	“The school district policy must contain, at a minimum, the following components: . . . (l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.” West’s F.S.A. § 1006.147(4).
Maine	““The Commissioner of Education shall direct the Subcommittee on School and Community Climate of the Children’s Cabinet to develop model policies to address bullying, harassment and sexual harassment in schools. In developing these model policies, the subcommittee shall, no later than February 15, 2006: . . . 4. Develop a manual to instruct parents, teachers and school administrators on how to implement policies on bullying, harassment and sexual harassment, including recommendations for procedures to be included in a school handbook” 2005 Me. Legis. Serv. Ch. 307 (H.P. 419) (L.D. 564), § 4.
Maryland	“Each county board shall develop the following educational programs in its efforts to prevent bullying, harassment, and intimidation in schools: (1) An educational bullying, harassment, and intimidation prevention program for students, staff, volunteers, and parents” MD Code, Education, § 7-424.1(g).
Massachusetts	“The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.” M.G.L.A. 71 § 37O(d).
Nevada	“The school safety team shall: . . . (d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying, cyber-bullying, harassment and intimidation” 2011 Nevada Laws Ch. 376 (S.B. 276), § 12.3.
New Hampshire	“Each school district and chartered public school shall provide: . . . (b) Educational programs for pupils and parents in preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying. Any such program for pupils shall be written and presented in age appropriate language.” N.H. Rev. Stat. § 193-F:5.1.
New Jersey	“Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.” N.J.S.A. 18A:37-17.a. “The school safety team shall: . . . (5) educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students” N.J.S.A. 18A:37-21.c.
Washington	“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. The school directors’ association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider.” West’s RCWA 28A.300.285(5).

**STATES RECOMMENDING OR ENCOURAGING BULLYING EDUCATION
OR PREVENTION PROGRAMS FOR PARENTS**

Colorado	“(b) Criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient, which criteria, at a minimum, shall require each grant recipient to: . . . (II) Use at least a portion of awarded grant moneys for the purpose of educating students' parents and legal guardians regarding the grant recipient's policies concerning bullying prevention and education and the grant recipient's ongoing efforts to reduce the frequency of bullying incidents” C.R.S.A. § 22-93-104(1).
Michigan	“The legislature encourages a board or board of directors to include all of the following in the policy required under this section: . . . (c) A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.” M.C.L.A. 380.1310b(6).
Ohio	“Any school district may form bullying prevention task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.” R.C. § 3313.667(A).
South Carolina	“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.” Code 1976 § 59-63-140(F).
Tennessee	“School districts are encouraged to form harassment, intimidation, bullying or cyber-bullying prevention task forces, programs and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.” T. C. A. § 49-6-1019.
West Virginia	“Schools and county boards are encouraged, but not required, to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.” W. Va. Code, § 18-2C-5(a).
Wyoming	“School districts may establish bullying prevention programs or other initiatives and may involve school staff, students, administrators, volunteers, parents, law enforcement and community members.” W.S. 1977 § 21-4-314(f).

Source: http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/State_Anti_bullying_Legislation_Overview_0.pdf

Background

The Children’s Internet Protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children’s access to obscene or harmful content over the Internet. CIPA imposes certain requirements on schools or libraries that receive discounts for Internet access or internal connections through the E-rate program – a program that makes certain communications services and products more affordable for eligible schools and libraries. In early 2001, the FCC issued rules implementing CIPA and provided updates to those rules in 2011.

What CIPA Requires

Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors. Before adopting this Internet safety policy, schools and libraries must provide reasonable notice and hold at least one public hearing or meeting to address the proposal.

Schools subject to CIPA have two additional certification requirements: 1) their Internet safety policies must include monitoring the online activities of minors; and 2) as required by the Protecting Children in the 21st Century Act, they must provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. Schools and libraries subject to CIPA are required to adopt and implement an Internet safety policy addressing:

(a) access by minors to inappropriate matter on the Internet; (b) the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications; (c) unauthorized access, including so-called “hacking,” and other unlawful activities by minors online; (d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (e) measures designed to restrict minors’ access to material harmful to minors.

Schools and libraries must certify they are in compliance with CIPA before they can receive E-rate funding.

- CIPA does not apply to schools and libraries receiving discounts for telecommunications service only.
- An authorized person may disable the blocking or filtering measure during use by an adult to enable access for bona fide research or other lawful purposes.
- CIPA does not require the tracking of Internet use by minors or adults.

You can find out more about CIPA or apply for E-rate funding by contacting the Universal Service Administrative Company’s (USAC) Schools and Libraries Division (SLD) at www.sl.universalservice.org. SLD also operates a client service bureau to answer questions at 1-888-203-8100 or via email through the SLD website.

Source: <http://www.fcc.gov/guides/childrens-internet-protection-act>