

An Overview of State Anti-Bullying Legislation and Other Related Laws

February 22, 2012

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The Kinder & Braver World Project: Research Series (danah boyd and John Palfrey, editors)
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INTRODUCTION

This document provides an overview, as of January 2012, of existing state anti-bullying laws, pending state and federal anti-bullying legislation, and other relevant federal and state laws. It is meant to inform the discussion of legal policy issues around bullying, in particular at the Symposium on Youth Meanness and Cruelty being held at Harvard Law School on February 29, 2012 as part of the Kinder & Braver World Project.

This document, including the Tables in Appendix 1, was created by analyzing the anti-bullying laws of the 48 states with such laws, as well as reviewing pending legislation and related laws.¹ The document and tables break out provisions of the state statutes that the authors consider important to engender positive cross-disciplinary discussion at the Symposium. The language in the state statutes is incredibly varied and complex, and this area of the law is constantly evolving. Many additional areas of inquiry are sure to arise at the Symposium and beyond. Thus, this document is a working draft. If you would like to provide feedback, please contact kbw-feedback@cyber.law.harvard.edu.

I. OVERVIEW OF EXISTING STATE ANTI-BULLYING LEGISLATION

As of January 2012, 48 states had enacted legislation requiring school districts to adopt policies regarding bullying.² The first of these laws was passed in 1999, partly in response to the Columbine shootings.³ The most recent was passed in Michigan in December of 2011.⁴ In the meantime, as new laws were passed, many of the original laws were amended. The legal landscape continues to develop and changes quickly.

Some state anti-bullying laws contain provisions modifying criminal laws or creating new crimes aimed at bullying, and, as discussed in Sections II and III below, there are many existing and pending laws that criminalize some bullying behaviors. For the most part, however, the anti-bullying laws discussed in Part I of this document focus on the responsibilities of schools to

¹The laws were identified by consulting secondary sources, including the list of citations provided in Appendix B of the United States Department of Education's ("DOE") Analysis of State Bullying Laws and Policies, and updating those sources as of January, 2012. See U.S. DEP'T OF EDUC., ANALYSIS OF STATE BULLYING LAWS AND POLICIES (2011) [hereinafter *DOE Report*]; see also Sameer Hinduja & Justin W. Patchin, *A Brief Review of State Cyberbullying Laws and Policies*, CYBERBULLYING RES. CENTER (Jan. 2012), http://www.cyberbullying.us/Bullying_and_Cyberbullying_Laws.pdf.

² South Dakota and Montana do not have anti-bullying bills as addressed in this document, nor does the District of Columbia. See Section II below for information on legislation pending in those states. Note that these states do have some laws related to bullying. For example, the District of Columbia's Municipal Code does include "[b]ullying, or using humiliating, or intimidating language or behavior, including Internet Bullying" in its list of behaviors that "[i]n addition to lesser consequences, . . . may result in either on-site or off-site Suspension." D.C. MUN. REGS. tit. 5, § 5-B2502 (2012).

³ See *DOE Report*, *supra* note 1, at xi.

⁴ See Matt's Safe School Law, MICH. COMP. LAWS ANN. § 380.1310b (West 2011).

address bullying. They typically prescribe a minimum of what schools district policies must contain with regard to bullying, leaving other decisions to the districts or individual schools, though they often provide for the state department of education or similar body to come up with a model policy as guidance.⁵

The content and level of detail in the laws varies greatly. Some states (for example, Hawaii, Maine, and New Mexico) have brief requirements for school districts or other relevant bodies to develop policies. The more complex laws have many provisions, each law different from the other. Most of the laws go well beyond research-based definitions of bullying to encompass a wide range of behaviors, often borrowing and modifying language from legal definitions of harassment. Overall, they tend to emphasize the investigation of bullying incidents, consequences for bullies, and reporting systems for schools to districts or to the state. With differing levels of precision, they also include education for students, staff and, in some instances, families. Few states provide any reference to funding sources to help schools implement the procedures, responses, and education the laws envision.

A. The Definitions of Bullying in State Law

- **Most, but not all, states provide definitions of bullying** for districts to use in their policies:
 - 41 states provide statutory definitions of bullying or similar behaviors.
 - 5 states (Hawaii, Maine, New Mexico, Virginia, and Wisconsin) leave the definition of bullying to the discretion of the state department of education or similar entity, requiring that a definition be included in the state’s model bullying policy developed by the state department of education or similar body.
 - 2 states (Arizona and Minnesota) leave the definition of bullying entirely up to local school districts.
- **These definitions vary greatly.** According to DOE, “[s]ome state laws focus on specific actions (e.g., physical, verbal, or written), some focus on the intent or motivation of the aggressor, others focus on the degree and nature of harms that are inflicted on the victim, and many address multiple factors. In many instances, minor language, omitted or inserted into laws, can significantly alter the way in which the behavior and circumstances are legally defined (e.g., inclusion of the terms ‘physical,’ ‘overt,’ or ‘repeated’).”⁶
- **The laws do not follow research-based definitions of bullying.** According to DOE, “[r]esearchers have traditionally defined bullying as a repeated pattern of aggressive behavior that involves an imbalance of power and that purposefully inflicts harm on the bullying victim.”⁷
 - **Repeated Pattern:** 8 states define bullying only as encompassing behaviors that are

⁵ See DOE Report, *supra* note 1, at 47–57.

⁶ DOE Report, *supra* note 1, at 25.

⁷ DOE Report, *supra* note 1, at 1 (citations omitted).

- repetitive, systematic, or continuous, while 5 states define bullying to encompass only severe or pervasive conduct (see Table 1).
- o **Intent to harm:** 16 states define bullying to encompass only behaviors that are intended to harm another (note that 7 states define bullying to encompass only behaviors that a “reasonable person” should have known would harm another) (see Table 2).
 - o **Power differential:** 4 states provide some treatment of power differential or imbalance between aggressor and target (see Table 3):
 - 1 state (Texas) defines bullying to require a power imbalance;
 - 2 states (Delaware and New Hampshire) recognize the role played by a power differential or imbalance in their definitions;
 - 1 state (Massachusetts) recognizes the role played by a power differential in its prescribed professional development on bullying prevention, but not in the anti-bullying law’s definition of bullying.
 - **Cyberbullying:** 38 states provide some treatment of cyberbullying, or bullying involving electronic acts in their definitions (see Table 4):
 - o 34 states include bullying involving electronic acts in the definition of bullying or otherwise define cyberbullying in essentially the same way as bullying.
 - o 6 states define cyberbullying more specifically.
 - **Differentiating Characteristics:** 18 states provide some treatment of targets’ differentiating characteristics (see Table 5).
 - o **Lists:** 16 of these provide a list of characteristics (some exhaustive, others non-exhaustive).
 - The 16 all include these six characteristics: creed or religion, disability, gender or sex, nationality or national origin, race, and sexual orientation.
 - The characteristics of the 16 combined include: academic status; age; ancestry; color; creed; developmental, emotional, learning, mental, physical, or sensory disability; ethnicity; familial status; gender; gender expression or identity; health condition; intellectual ability; marital status; military status; national origin; nationality; need for special education services; obesity; physical appearance; physical attributes; physical or mental ability or disability; political belief; political party preference; race; religion; religious practice; sex; sexual orientation; socioeconomic status; source of income; unfavorable discharge from military service; weight; or association with a person or group with one or more of such differentiating characteristics.
 - o **How much the characteristics matter:** The 18 states addressing characteristics vary on the significance of the characteristics:
 - 1 state (Alabama) requires that bullying be motivated by differentiating characteristics, without providing any list of what the differentiating characteristics must be.

- 2 states (Iowa and New Jersey) require that bullying be motivated by actual or perceived differentiating characteristics, and provide a non-exclusive list of what the differentiating characteristics could be.
- 2 states (California and Vermont) require that bullying be motivated by actual or perceived differentiating characteristics in some respects but not in others:
 - In California, bullying as defined in the school district’s policy must be motivated by actual or perceived differentiating characteristics, as provided in a non-exhaustive list; however, students may still be subject to suspension or expulsion as a consequence for bullying even if it is not motivated by such characteristics.
 - In Vermont, harassment must be motivated by actual or perceived differentiating characteristics, as provided in an exhaustive list; however, bullying need not be motivated by such characteristics.
- 11 states recognize the role of differentiating characteristics, and provide a non-exclusive list of differentiating characteristics.
- 1 state (Mississippi) recognizes the role of differentiating characteristics without providing any list of differentiating characteristics.
- 1 state (Missouri) explicitly prohibits school districts from outlining, in their bullying policies, specific lists of differentiating characteristics.
- Laws in 6 states (Florida, Massachusetts, Michigan, New Hampshire, Rhode Island, and Utah) contain language that all students are to be treated equally under the bullying policies (see Table 6).
- **Interchangeability of “Bullying” and “Harassment”**
 - The varying treatment of differentiating characteristics may be because, according to DOE, “[t]he legislative language used in crafting bullying laws often borrows directly from harassment statutes. This has frequently led to a conflation of terms used to define prohibited conduct, with ‘bullying’ and ‘harassment’ often used interchangeably in laws, despite their important legal distinctions. Harassment is distinguishable from more general forms of bullying in that it must be motivated by characteristics of the targeted victim. It is generally viewed as a subset of more broadly defined bullying behavior. Harassment also violates federal civil rights laws as a form of unlawful discrimination.”⁸
 - For an overview of how the laws treat these terms, see Table 6A.
- **Other factors:**
 - 2 states (Mississippi and Texas) explicitly allow students to engage in reasonable self-defense against bullying (see Table 7).
 - 1 state (California) incorporates students with disabilities into the “reasonable pupil” aspect of its definition (see Table A1, at end of Tables).

⁸ DOE Report, *supra* note 1, at 17 (citations omitted).

- **Off-Campus:** The laws vary in what they say about whether they can cover bullying that occurs off-campus (see Table 8), an issue that also implicates the First Amendment to the United States Constitution (see Section III.A. below):
 - o 14 states limit their reach to behaviors that occur at school or other school-related locations.
 - o 7 states limit their reach to behaviors that occur at school or at other school-related locations, or that use school-owned technology.
 - o 9 states are ambiguous but seem broad enough to reach some off-campus behaviors.
 - o 11 states explicitly allow schools to reach at least some bullying behaviors that occur outside the school context, as long as certain conditions are satisfied.

B. Process and response

1. Procedures to be adopted by school districts

- According to DOE, “state legislation . . . emphasize[s] traditional approaches to managing bullying misconduct that involve reporting and investigating bullying complaints and imposing disciplinary actions.”⁹
- **Investigations:** 32 states require, and 3 states encourage, the creation of school procedures for investigating incidents of bullying (see Table 9).
- **Reporting**
 - o **Mandatory reporting** of bullying incidents¹⁰ (see Table 10):
 - 17 states require staff to report incidents of bullying they witness or of which they are otherwise aware.
 - 3 of these 17 states (Alaska, Rhode Island, and South Carolina) also require students to report incidents of bullying they witness or of which they are aware.
 - 2 states (Georgia and Wisconsin) 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.
 - o **Anonymous reporting:** 11 states require, and 1 state (Georgia) encourages, school procedures that explicitly allow for the anonymous reporting of bullying incidents (see Table 11).
 - o **Reporting to Law Enforcement:** 9 states require school administrators, in

⁹ DOE Report, *supra* note 1, at xvi.

¹⁰ Note that in addition, all states have laws that require teachers and school personnel, among others, to report suspected child abuse or neglect under certain circumstances. *See generally* CHILD WELFARE INFO. GATEWAY, U.S. DEP’T OF HEALTH AND HUMAN SERVS., MANDATORY REPORTERS OF CHILD ABUSE AND NEGLECT: SUMMARY OF STATE LAWS (2010), available at http://www.childwelfare.gov/systemwide/laws_policies/statutes/manda.pdf. Many of these laws require reporting when images of children engaged in sexual activity are involved, *see id.*, an issue that also implicates child pornography and sexting laws. *See infra* note 47.

certain circumstances, to report incidents of bullying to law enforcement authorities (see Table 12).¹¹

- **Disciplinary Consequences:** Laws in 34 states require, and in 2 states encourage, the districts to provide out disciplinary consequences for bullying (see Table 13).

- o **Range of Consequences**

- Most states broadly use terms like “disciplinary action,” “disciplinary consequences,” “consequences,” or “consequences and remedial action.”
- 7 states detail more specific disciplinary consequences:
 - Alaska specifies consequences up to and including expulsion and reporting of criminal activity to law enforcement authorities.
 - California specifies consequences including suspension or expulsion.
 - Georgia specifies consequences including mandatory assignment to an alternative school after three bullying offenses within one school year.
 - Idaho specifies consequences including temporary suspension.
 - Nebraska specifies consequences including suspension, expulsion, or mandatory reassignment.
 - Rhode Island specifies that suspension may not be imposed unless it is deemed a necessary consequence.
 - Texas specifies consequences including classroom or campus transfer.

- o **Balancing Discipline with Education** (see Table 13A)

- 2 states (Massachusetts and Rhode Island) specify that disciplinary actions must be balanced with the need to teach appropriate behavior.

- o **Age Appropriate consequences or interventions** (see Table 13B):¹²

- 3 states (Arkansas, Georgia, and Missouri) provide that disciplinary consequences can or should be age appropriate.
- 2 states (Massachusetts and Connecticut) provide for professional development to include developmentally appropriate prevention and intervention strategies.

¹¹ Apart from anti-bullying laws, in all states other circumstances may require school administrators to report incidents to law enforcement. For example, in Texas, school officials have a duty to report all crimes occurring on school property or at school functions to law enforcement agencies. *See* TEX. EDUC. CODE ANN. § 37.015(a) (West 2011). In several states, a student’s possession of a deadly weapon or active involvement in an incident of violent assault also triggers reporting requirements prior to suspension or expulsion, *see, e.g.*, CAL. EDUC. CODE § 48902 (West 2011); MASS. GEN. LAWS ch. 71, § 37L (2011); S.C. CODE ANN. § 59-24-60 (2011); ARK. CODE ANN. § 6-17-113 (2011), as does student conduct encompassing use, possession or distribution of controlled substances. *See* CAL. EDUC. CODE § 48902 (West 2011); DEL. CODE ANN. tit. 14, § 4112 (2011); KY. REV. STAT. ANN. § 158.154 (West 2011); N.C. GEN. STAT. § 115C-288 (2011).

¹² Note that many of the state laws use the term “age appropriate” in referring to how to word student codes of conduct or to provide education for students, and those are not captured here.

- o **Students with Disabilities:** 6 states (Alabama, New Jersey, Oklahoma, Pennsylvania, Texas, and Virginia) specifically recognize that treatment of students with disabilities involved in bullying incidents must comply with applicable special education laws (see Table A1).¹³

2. Criminalization of certain bullying behaviors

- **Trend towards criminalization:** According to DOE, “[r]ecent state legislation and policy addressing school bullying has emphasized an expanded role for law enforcement and the criminal justice system in managing bullying on school campuses. Though historically, authority over youth bullying has fallen almost exclusively under the purview of school systems, legislation governing the consequences for bullying behavior reflects a recent trend toward treating the most serious forms of bullying as criminal conduct that should be handled through the criminal justice system. . . . An increasing number of states also have introduced bullying provisions into their criminal and juvenile justice codes.”¹⁴
- **Creating or modifying crimes:** the anti-bullying laws in 8 states create or modify crimes to target bullying behaviors (see Table 14).
 - o All states have criminal laws that could apply to some bullying behaviors (see Section III.B below).
 - o Anti-bullying laws in 3 states create new crimes to target bullying behaviors:
 - Idaho creates the crime of student harassment, intimidation, or bullying.
 - Louisiana and North Carolina creates the crime of cyberbullying (as has Arkansas, but in a separate law).
 - o Anti-bullying laws in 5 states modify existing criminal laws to target bullying behaviors:
 - Georgia modifies the crime of disruption or interference with the operation

¹³ When students with disabilities are involved in any aspect of bullying — as aggressors, targets, or bystanders — schools must follow federal and state law related to students with disabilities, regardless of what the state’s anti-bullying law says. For example, some students with disabilities have Individualized Education Plans (“IEPs”) that contain specific procedures to be followed when addressing behavior, or contain exemptions from compliance with certain provisions of school codes of conduct. See JONATHAN YOUNG ET AL., NAT’L COUNCIL ON DISABILITY, BULLYING AND STUDENTS WITH DISABILITIES (2011), available at [http://www.ncd.gov/publications/2011/](http://www.ncd.gov/publications/2011/March92011)

March92011 (discussing IEPs in the context of bullying). In addition, discipline for students with disabilities must be consistent with applicable federal and state laws. See, e.g., 20 U.S.C. §§ 1400 *et seq.* (West 2011) (Individuals with Disabilities Education Act (“IDEA”)); 34 C.F.R. pt. 300 (2011) (Department of Education regulations regarding IDEA); see generally *Building the Legacy: IDEA 2004*, DEP’T OF EDUC., <http://idea.ed.gov/explore/home> (last visited January 25, 2012). Under federal law, when behavior is a manifestation of a child’s disability, certain procedures must be followed prior to removing the child from his or her current placement — which includes removal via in- or out-of-school suspension. See generally Annotation, *Requisite Conditions and Appropriate Factors Affecting Educational Placement of Handicapped Children*, 23 A.L.R.4TH 740 §§ 6[a], 6[b] (1983) (summarizing cases that address discipline of students with disabilities); *IDEA — Regulations: Discipline*, DEP’T OF EDUC.,

http://www.ideapartnership.org/index.php?option=com_content&view=article&id=840 (last visited Jan. 25, 2012).

¹⁴ DOE Report, *supra* note 1, at 19-20.

of public schools.

- Kentucky modifies the crimes of harassment.
- Massachusetts modifies the crimes of: stalking; criminal harassment; intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings; and annoying telephone calls or electronic communications.
- Missouri modifies the crimes of harassment and stalking.
- Nevada modifies the crime of threatening to cause bodily harm or death to pupil or school employee by means of oral, written or electronic communication.

3. Counseling or other support services as a response to bullying (see Table 15)

- Laws in 14 states require, and in 2 states encourage, that the provision of counseling or other support services, or referral to such services, be included in the school districts' policies as a possible response to an incident of bullying.
 - 1 state (Arizona) envisions counseling for targets only.
 - 3 states (Louisiana, Oklahoma, and Georgia) envision counseling for aggressors only.
 - 7 states (California, Connecticut, Florida, Massachusetts, New Hampshire, New Jersey, and Rhode Island) envision counseling for both aggressors and targets.
 - 2 states (Maryland and Texas) envision counseling for both aggressors and targets, as well as for any witnesses to incidents.
 - 3 states (New York, Tennessee, and Pennsylvania) leave it ambiguous as to which students should be provided with or referred to counseling.

4. Accountability of schools and school districts

- **Reporting** of bullying incidents, or of statistics summarizing such incidents (see Table 16):¹⁵
 - 16 states require schools or school districts to report bullying incidents, or statistics summarizing such incidents, to the state department of education or similar body.
 - 3 states (Iowa, Michigan, and Ohio) require schools to report bullying incidents, or statistics summarizing such incidents, to the school district.
 - 1 state (Pennsylvania) requires annual reporting of violent incidents, among

¹⁵ These reporting requirements must comply with the Family Educational Rights and Privacy Act ("FERPA"), a federal law that imposes requirements aimed at safeguarding the privacy of educational records. 20 U.S.C. § 1232g (West 2010); *see also* 34 C.F.R. pt. 99 (Department of Education regulations regarding FERPA), as well as with state laws and regulations related to the privacy of student records. This is relevant not only to the records provisions of the anti-bullying laws, but also to records related to the investigation, discipline, and parental notification of bullying incidents.

others, which must include whether the student has an individualized education plan, and if so, the type of disability (see Table A1).

- **Policy Review:** 20 states require school districts to provide their bullying policies to the state department of education or similar body, to enable review for compliance with bullying laws (see Table 17).
 - Of these, 8 states explicitly contemplate periodic (as opposed to one-time) review of school district bullying policies.
- **Student Involvement:** 16 states require, and 2 states encourage, involvement of students in the process of developing the school district's bullying policy (see Table 18).

C. Educational provisions

1. Education for students

- Laws in 40 states contemplate some form of bullying education or prevention programs for students, while laws in 8 states (Arizona, Hawaii, Idaho, Kentucky, Louisiana, Maine, Missouri, and Wisconsin) do not refer to education or prevention programs.
 - **Brief requirements:** Laws in 17 states have a brief section requiring (in 11 states) or encouraging (in 6 states) some form of bullying prevention education for students (see Table 19).
 - For example, in Nebraska, "each school district . . . shall develop and adopt a policy concerning bullying prevention and education for all students." Neb. Rev. St. § 79-2,137(3).
 - **More comprehensive requirements:** Laws in 13 states go further by requiring (in 10 states) or encouraging (in 3 states) more comprehensive forms of education aimed at preventing bullying, including character education and evidence-based best practices (see Table 20).
 - 1 state (Alabama) requires both character education and evidence-based best practices.
 - 4 states (Georgia, New Jersey, New York, and Virginia) require, and 1 state (Minnesota) encourages, character education.
 - 5 states (Connecticut, Massachusetts, Mississippi, New Hampshire, and Texas) require, and 2 states (Colorado and Pennsylvania) encourage, evidence-based best practices.
 - 1 state (Massachusetts) additionally encourages social and emotional learning curricula.
 - 1 state (Massachusetts) additionally integrates bullying prevention education into students' special education programs (see Table A1).
 - **Ambiguous requirements:** Laws in 6 states require, and in 4 states encourage, bullying prevention programs, which could be interpreted to mean some form of bullying education for students (see Table 21).

2. Training and professional development for staff (see Table 22)

- **Bullying Prevention:** Laws in 16 states require, and in 6 states encourage, schools or school districts to provide staff training or professional development on bullying prevention.
 - The required or encouraged training ranges from very broad “bullying prevention” training, to very specific and prescriptive outlines of what must be included in any training program.
- **District Policy:** Laws in 10 states require, and in 1 state (Alaska) encourage, schools or school districts to provide staff training or professional development on the school district’s bullying policy.

3. Education for parents (see Table 23)

- **District Policy:** Nearly every state requires informing parents of the district’s bullying policy.
- **Broader Education:** In addition, laws in 9 states require, and in 7 states encourage, schools or school districts to provide bullying education or prevention programs for parents. Like the other provisions, the language in these provisions varies. For example:
 - New Hampshire refers to “preventing, identifying, responding to, and reporting incidents of bullying or cyberbullying.”
 - Massachusetts refers to “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.

D. Funding for implementation of anti-bullying legislation (see Table 24)

- **Identify a Funding Source:** 11 states identify a source of funding to assist school districts in satisfying the various mandates imposed by state bullying laws.
 - 6 of those states provide for appropriations, while 5 rely on private donations.
 - In 1 state (California), the law indicates that the legislature intended to provide funding, but it is unclear whether funding was actually provided.
 - In 2 additional states (Delaware and Florida), sources of funding (for discipline improvement and safe schools programs) were established prior to the passage of bullying laws, but the bullying laws make the continued disbursement of those funds contingent on the school district’s adoption and implementation of satisfactory bullying policies.
 - 2 states (Colorado and Nevada) establish grant programs for bullying prevention, but do not provide for appropriations and instead expect private donations to provide funds for the grant programs.

- **Threats to Cut General Funding:** 1 state (Georgia) threatens to cut off part of the school districts' general state funding for failure to comply with the bullying law.
- **Report Required:** Massachusetts provides that the state department education "shall issue a report detailing cost-effective ways to implement the professional development requirements" of the law, and that the report, with cost estimates, be given to the legislative committees responsible for education and funding.¹⁶

II. PENDING ANTI-BULLYING BILLS OR AMENDMENTS TO EXISTING BILLS

A. Pending Legislation in South Dakota, Montana & the District of Columbia

1. South Dakota

On January 10, 2012, Senate Bill 44 was introduced in the South Dakota Senate by the Committee on the Judiciary at the request of the Office of the Attorney General and was referred to the Senate Committee on Education.¹⁷ The bill would require all school districts without bullying policies to follow a model policy until adopting their own policies. It defines bullying and harassment, and encourages districts to adopt or revise a policy prohibiting bullying and harassment consistent with this language. It also has lists of other "encouraged" provisions and of provisions a district "may" include. A different version of this bill, which would have required each school district to adopt an anti-bullying policy by the end of 2011, was voted down 4-3 by the Senate Education Committee in late January 2011. Senators who opposed that bill did not want to interfere with the local control of school districts.¹⁸

2. Montana

Senate Bill 141 was introduced in January 2011 by Senator Kim Gillan with support of the Montana schools superintendent and the Montana Attorney General.¹⁹ The bill would have required each school district to adopt a policy prohibiting bullying, harassment, or intimidation by August 1, 2012. Failure to implement and enforce an anti-bullying policy would be

¹⁶ See MASS. DEP'T OF ELEMENTARY AND SECONDARY EDUC., A REPORT ON BULLYING PREVENTION AND INTERVENTION PROFESSIONAL DEVELOPMENT (2010), available at <http://www.doe.mass.edu/research/reports/BullyingPrevention.pdf>.

¹⁷ *Journal of the Senate, Eighty-Seventh Session*, S.D. LEGISLATURE, <http://legis.state.sd.us/sessions/2012/Journals.aspx?Committee=29&File=jrnS01101200.htm#152>.

¹⁸ See Nomaan Merchant, *School Bullying Bill Fails in Committee*, YANKTON DAILY PRESS & DAKOTAN, Jan. 28, 2011, at 11A, available at <http://www.yankton.net/articles/2011/01/28/news/doc4d4232478e122074705572.txt>.

¹⁹ Press Release, Mont. Dep't of Justice, Juneau and Bullock Join Senator Gillan to Set Minimum Standards for Bullying Policies and Make Schools Safer for Kids, Targeted News Service (Jan. 24, 2011), available at <https://doj.mt.gov/2011/01/juneau-and-bullock-join-senator-gillan-to-set-minimum-standards-for-bullying-policies-and-make-schools-safer-for-kids>.

considered during each school's accreditation review. The bill died in standing committee April 28, 2011.²⁰ Opponents argued against the bill's state-mandated standards.²¹ On December 19, 2011, Senate Democrat David Wanzenreid submitted a 2013 bill draft request for a bill to discourage school bullying.²²

3. The District of Columbia

Bill B19-11, the Bullying and Intimidation Prevention Act of 2011, was introduced in the D.C. Council in January 2011.²³ The legislation would require schools (as well as the parks and recreation department, the D.C. public library, and the University of the District of Columbia) to adopt policies prohibiting bullying, harassment, and intimidation. It would leave much of the content of the policies up to the districts but does set a minimum definition, and would require policies to include reporting procedures, investigatory procedures, a range of responses, and a plan for publicizing the policy. Public hearings on the bill were held in May 2011,²⁴ but no further plans for action appear on the D.C. Council's website.

B. Pending Federal Legislation

1. Proposed Federal Bills With Funding Provisions

a) H.R. 83: Bullying Prevention and Intervention Act of 2011

This bill was introduced in the House Judiciary Committee on January 5, 2011 by Rep. Sheila Jackson Lee (Texas) with 54 co-sponsors. It has been referred to Subcommittee on Crime, Terrorism, and Homeland Security.

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 action, provide counseling services for bullies and victims, address behavior and behavior

²⁰ See Detailed Bill Information, MONT. LEGISLATURE, [http://laws.leg.mt.gov/laws11/law0210W\\$BSIV.ActionQuery?P_BILL_DFT_NO5=LC0091&Z_ACTION=Find](http://laws.leg.mt.gov/laws11/law0210W$BSIV.ActionQuery?P_BILL_DFT_NO5=LC0091&Z_ACTION=Find) (last visited Jan. 30, 2012).

²¹ Matt Gouras, *Lawmakers Look at New Bullying Policy for Schools*, FLATHEAD BEACON, Jan. 24, 2011, available at http://www.flatheadbeacon.com/articles/article/lawmakers_look_at_new_bullying_policy_for_schools/21546.

²² See 2013 Bill Draft Requests, MONT. LEGISLATURE, <http://leg.mt.gov/content/Sessions/63rd/2013-Bill-Draft-Requests.pdf> (last visited Jan. 30, 2012).

²³ Bullying and Intimidation Prevention Act of 2011, D.C. COUNCIL, <http://dcclims1.dccouncil.us/lims/legislation.aspx?LegNo=B19-0011&Description=BULLYINGANDINTIMIDATIONPREVENTIONACTOF2011&ID=25529> (last visited Jan. 30, 2012).

²⁴ May 2 — Bullying and Intimidation Prevention Act Public Hearing, GLAA FORUM (Apr. 16, 2011), http://www.glaaforum.org/glaa_forum/2011/04/april-21-may-3-safe-schools-events.html.

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.

b) S.1569: Empowering Local Educational Decisionmaking Act of 2011

This bill was introduced September 15, 2011 by Senator Richard Burr (North Carolina) with 6 co-sponsors. It has been referred to the Committee on Health, Education, Labor, and Pensions.

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.

2. Proposed Federal Bills with Reporting Provisions

a) H.R.1648, S. 506: Safe Schools Improvement Act of 2011

This bill was introduced in the House on April 15, 2011 by Rep. Linda Sanchez (California) with 126 co-sponsors and in the Senate on March 8, 2011 by Sen. Robert P. Casey, Jr. (Pennsylvania) with 37 co-sponsors. In the House it was introduced in the Education and the Workforce Committee, and has been referred to Subcommittee on Early Childhood, Elementary, and Secondary Education. In the Senate it was read twice and referred to the Committee on Health, Education, Labor, and Pensions.

This bill would amend 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.

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

This bill was introduced in the House Education and the Workforce Committee on March 9, 2011 by Rep. Danny Davis (Illinois) with 10 co-sponsors. It has been referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.

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.

C. Pending State Legislation to Amend Existing Anti-bullying or Other Laws

1. Overview

The state anti-bullying legislative agenda has been and continues to be highly active. There are many pending state bills that would, if enacted, amend existing state anti-bullying laws or create or amend other state laws related to bullying. A number of bills have been introduced by legislators in rapid response to juvenile suicides within their constituencies.²⁵ Given the current landscape, it is likely that there will continue to be a wave of state legislation within the next several years.

The unsettled state of the legislative process in New Jersey may serve as an example for what may take place in other states during the coming year. Passage of the current New Jersey anti-bullying statute was propelled by public outcry over the death of Rutgers University freshman Tyler Clementi.²⁶ Since the statute's implementation in Fall 2011, the Ridgewood and River Vale school districts have filed complaints contesting the constitutionality of new law, claiming that the statute's unfunded requirements for reporting, investigations, and meetings are a "significant drain" on limited school resources.²⁷ At the same time, three amendments to the law were introduced in early January 2012 that if passed would increase the strength of the current law, already considered by some to be one of the toughest state anti-bullying statutes.²⁸

2. Recent Sample Bills

In the past year, there were roughly 112 active bullying-related bills, 41 during the past six months, and 22 in the last thirty days. A few examples of recent pending bills include:

- **Florida H.B. 627:** Introduced November 10, 2011, referred to House Committee on Education on January 10, 2012: Revising provisions to prohibit bullying through the use of data or computer software that is accessed at a non-school-related location or activity if

²⁵ James Ford, *Girl's Suicide May Spur Passage Of Anti-Cyberbullying Law*, WPIX (Jan. 24, 2012, 4:45 PM), <http://www.wpix.com/news/wpix-amanda-cummings-suicide-may-spur-anticyberbullying-legislation,0,4868327.story>.

²⁶ Winnie Hu, *Bullying Law Puts New Jersey Schools on Spot*, N.Y. TIMES, Aug. 30, 2011, at A1.

²⁷ Patricia Alex, *2 Districts Fighting Bully Law*, THE RECORD (Bergen County, N.J.), Jan. 13, 2012, at L01.

²⁸ *Id.*; see also A.B. 450, 215th Leg. (N.J. 2012); A.B. 749, 215th Leg. (N.J. 2012); A.B. 1162, 215th Leg. (N.J. 2012).

certain conditions are met; providing that bullying includes cyberbullying; revising the list of behaviors that indicate possible bullying.

- **Idaho S.B. 1220:** Introduced January 17, 2012, referred to Senate Committee on Education on January 18, 2012: Amends and adds to existing law relating to harassment, intimidation or bullying of a student to provide what is included within the term harassment, intimidation or bullying; revises who may be found guilty of the offense, to replace discretionary language with mandatory language, to provide an infraction penalty; provides requirements for harassment, intimidation and bullying information and professional development.
- **Indiana H.B. 1259:** Introduced January 9, 2012, referred to House Committee on Education on January 9, 2012: Requires the Department of Education, in consultation with school safety specialists and school counselors, to develop guidelines to assist school corporations and safe school committees in establishing bullying prevention programs and investigation and reporting procedures; requires each school corporation to include the number and nature of bullying incidents that occur within the school corporation on the school corporation's annual performance report.
- **Kansas S.B. 278:** Introduced January 12, 2012, referred to Senate Committee on Education, January 13, 2012 Concerns amendments to school anti-bullying law.
- **Missouri H.B. 1049:** Introduced December 6, 2011, referred to House Committee on Elementary and Secondary Education, January 12, 2012: Defines cyberbullying as it relates to the anti-bullying policy that school districts must adopt; establishes specific requirements for each school district in implementing the policy.
- **New Jersey A.B. 450:** Introduced January 10, 2012, referred to Assembly Committee on Judiciary on January 10, 2012; Upgrades harassment under certain circumstances; restricts cyberbullying offenders' access to the Internet.
- **New Jersey A.B. 749:** Introduced January 10, 2012, referred to Assembly Committee on Education on January 10, 2012: Includes nonpublic schools and incidents occurring off school grounds in school bullying law and provides greater protections for targets of bullying.
- **New Jersey A.B. 1162:** Introduced January 10, 2012, referred to Assembly Committee on Education on January 10, 2012: Establishes a pilot program in the N.J. Department of Education to address school climate issues related to harassment, intimidation, and bullying in public schools.
- **New York A.B. 8895:** Introduced January 4, 2012, referred to Assembly Committee on Education on January 4, 2012: Prohibits cyber-bullying as criminal activity and provides that such crime shall be considered a misdemeanor punishable by a specified fine.
- **New York S.B. 1578:** Introduced January 10, 2011, amended in Senate Committee on Education on January 13, 2012: Requires individuals applying for certification or licensure to be a teacher to complete a course of training in recognizing and responding to incidents of bullying and harassment.

- **New York S.B. 4921:** Introduced April 29, 2011, referred to Senate Committee on Education on January 4, 2012: Enacts the “anti-bullying act”; prohibits bullying on school property; defines bullying; establishes punishment for people who are found guilty of bullying on school property.
- **New York S.B. 5253:** Introduced May 3, 2011, referred to Senate Committee on Finance on January 4, 2011: Directs the attorney general to establish a 2-year juvenile sexting and cyberbullying education program.
- **Virginia: S.B. 271:** Referred to Senate Committee on Education and Health on January 11, 2012: Requires the Virginia Center for School Safety to provide antibullying training to public school personnel; requires the VCSS to survey student safety concerns regarding bullying, gang activity, and acts of violence.

III. OTHER STATE AND FEDERAL LAWS POTENTIALLY APPLICABLE TO BULLYING INCIDENTS

A. Constitutional Considerations and Civil Laws

In addition to the anti-bullying laws discussed above, there are a host of Constitutional issues, as well as many federal and state civil laws, that impact the way in which schools address bullying and the types of consequences that students may face. For example:

- **The First Amendment, the Fourth Amendment, and the Due Process Clause of the Fourteenth Amendment to the United States Constitution** place significant limits on public schools’ ability to punish certain speech, to reach speech acts that occur off-campus, to search student property such as computers and cell phones, to engage in investigations, and to discipline students.²⁹
- **Federal Civil Rights laws** allow private parties to seek monetary damages from federally funded educational institutions (including all public schools) that discriminate on the basis of

²⁹ See generally 5 Search & Seizure § 10.11 (4th ed. Supp. 2011) (discussing general Fourth Amendment requirements in the educational context); 1 Education Law §§ 2:3, 2:26–27 (Supp. 2009) (discussing First Amendment issues that may be relevant to anti-bullying policy); Naomi Harlin Goodno, *How Public Schools Can Constitutionally Halt Cyberbullying: A Model Cyberbullying Policy That Considers First Amendment, Due Process, and Fourth Amendment Challenges*, 46 WAKE FOREST L. REV. 641, 655–74 (2011) (discussing the constitutional limits on cyberbullying policies); THOMAS HUTTON & KIRK BAILEY, SCHOOL POLICIES AND LEGAL ISSUES SUPPORTING SAFE SCHOOLS (rev. ed. 2007), available at <http://gwired.gwu.edu/hamfish/merlin-cgi/p/downloadFile/d/20708/n/off/other/1/name/legalpdf> (discussing legal issues including free expression, punishing off-campus speech, search and seizure, non-discrimination, due process, disciplining students with disabilities, privacy, federal safe schools statutes, and civil liability).

sex, race, color, national origin, or disability. In 2010 DOE issued a “Dear Colleague” letter addressed to schools, stating that “that some student misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws enforced by the Department’s Office for Civil Rights.”³⁰ According to DOE, “school districts may violate these civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”³¹ These include:

- o **Title IX** of the Education Amendments Act of 1972,³² which prohibits discrimination on the basis of sex.³³ Student-on-student sexual harassment (and gender-motivated bullying) can form the basis for a damages suit when: (1) the school “acts with deliberate indifference to known acts of harassment,” and (2) the harassment “is so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit.”³⁴
- o **Title VI** of the Civil Rights Act of 1964,³⁵ which prohibits discrimination on the basis of race, color, or national origin.³⁶
- o **Section 504** of the Rehabilitation Act of 1973³⁷ and **Title II** of the Americans with Disabilities Act,³⁸ which prohibit discrimination on the basis of disabilities.
- **State civil rights statutes** may carry similar prohibitions, and **state tort law** may become relevant, particularly in incidents involving violence or suicide.³⁹
- In addition to Section 504 and Title II, the **Individuals with Disabilities Education Act** (“IDEA”) and state law protect students with disabilities.⁴⁰ These include requirements that schools follow students’ Individualized Education Plans in addressing incidents and place limits on how students with disabilities are disciplined.⁴¹ Additionally, under IDEA, a public school’s failure to address bullying directed against a student with disabilities might allow a parent to enroll the child in private school and seek reimbursement from the school district.⁴²

³⁰ Letter from Russlyn Ali, Assistant Sec’y for Civil Rights (Oct. 26, 2010), *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *see also* Letter from Russlyn Ali, Assistant Sec’y for Civil Rights (April 4, 2011), *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf> (addressing sexual harassment and sexual violence).

³¹ 2010 Letter from Russlyn Ali, *supra* note 30.

³² 20 U.S.C. § 1681 (2006).

³³ *See Cannon v. Univ. of Chicago*, 441 U.S. 677 (1979).

³⁴ *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629, 633 (1999).

³⁵ 42 U.S.C. § 2000d *et seq.* (2006).

³⁶ *Alexander v. Sandoval*, 532 U.S. 275, 279 (2001) (“[P]rivate individuals may sue to enforce § 601 of Title VI and obtain both injunctive relief and damages.”).

³⁷ 29 U.S.C. § 794 (2006).

³⁸ 42 U.S.C. § 12132 (2006).

³⁹ *See HUTTON & BAILEY, supra* note 29, at 16–18.

⁴⁰ *See supra* note 13.

⁴¹ *See id.*

⁴² *See T.K. v. New York City Dep’t of Educ.*, 779 F. Supp. 2d 289 (E.D.N.Y. 2011).

- The federal **No Child Left Behind Act** has provisions allowing students attending persistently dangerous schools to transfer and requiring zero tolerance policies for firearm possession on campus.⁴³ The federal **Safe and Drug Free Schools and Communities Act** sets forth criteria for federal funding to support school violence prevention programs.⁴⁴
- The **Federal Educational Records Protection Act (“FERPA”)** and state statutes and regulations protect the privacy of student records.⁴⁵

As this non-exhaustive list makes clear, state anti-bullying laws cannot be looked at in a vacuum. Instead, a host of other legal considerations must be taken into account in developing policies and procedures to address bullying, including the criminal laws discussed below.

B. Federal and State Criminal Laws

1. Overview

A wide range of federal and state criminal laws may make criminal some behaviors that also can be classified as bullying. This includes laws related to stalking, cyberstalking, obscene electronic communications, harassment, assault, battery, preventing or interfering with school attendance, criminal trespass, conversion of property, and many more.⁴⁶ It also includes federal and state child pornography laws and state sexting statutes, which become relevant when incidents involve images of minors.⁴⁷ This document does not examine the circumstances in which prosecuting juveniles under criminal laws in the context of bullying may or may not be appropriate.

2. Hate Crime Laws

Among the various potentially applicable criminal laws, hate crime laws have gained attention in recent years as potentially relevant to the most extreme incidents of bullying. This document does not analyze whether it is ever appropriate to apply hate crime laws to juveniles.

There are both federal and state hate crime laws. The laws vary, but all apply to situations in which an aggressor is motivated by a victim’s special characteristic. A brief description of the statutes follows. For a true understanding of how the laws work, however, they would have to be

⁴³ 20 U.S.C. §§ 7151, 7912 (2006).

⁴⁴ 20 U.S.C. §§ 7111–7116 (2006); *see also* HUTTON & BAILEY, *supra* note 29, at 14–16.

⁴⁵ *See supra* note 15.

⁴⁶ For a source collecting criminal laws related to cyberbullying behaviors, *see State Cyberstalking, Cyberharassment and Cyberbullying Laws*, NAT’L CONFERENCE OF STATE LEGISLATURES, <http://www.ncsl.org/issues-research/telecommunications-information-technology/cyberstalking-cyberharassment-and-cyberbullying-l.aspx> (last updated Jan. 26, 2011).

⁴⁷ For a discussion of child pornography and sexting, *see* Dena T. Sacco, with Rebecca Argudin, James Maguire & Kelly Tallon, *Sexting: Youth Practices and Legal Implications* (Youth & Media Policy Working Grp. Initiative, Berkman Ctr. Research Publ’n No. 2010-8, 2010). For a discussion of the legal landscape underlying school sexting policies, *see* Kelly Tallon, *Addressing Sexting in Schools*, 30 CHILD. LEGAL RTS. J., no.4, 2010, at 1.

read in conjunction with federal and/or state cases interpreting them in the context of specific incidents, something beyond the scope of this document.

a) Federal Laws

- **18 U.S.C. § 245**, originally enacted at part of the Civil Rights Act of 1968, criminalizes the use of force or threat of force to prevent someone from voting, attending school, seeking employment, and engaging in other federally protected activities based on the person’s “race, color, religion or national origin.”
- **18 U.S.C. § 249**, the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, criminalizes willfully causing bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempting to cause bodily injury:
 - o Because of the actual or perceived race, color, religion, or national origin of that person; or
 - o Because of the actual or perceived gender, disability, sexual orientation, or gender identity of that person, but only if the acts affect interstate commerce⁴⁸ or take place in the Special Maritime and Territorial Jurisdiction of the United States.

b) State Laws

According to the Anti-Defamation League (“ADL”), as of January 2010, most states and the District of Columbia had enacted hate crimes laws.⁴⁹ Most of those substantially follow the ADL’s model hate crimes provisions,⁵⁰ which increase penalties for existing crimes (such criminal trespass, criminal mischief, harassment, menacing, intimidation, assault and/or battery) when the perpetrator is motivated by the victim’s race, color, religion, disability, national origin, sexual orientation or gender. The states differ as to which classes they protect. According to the ADL, most include race, religion, and ethnicity, 30 include sexual orientation, 30 include disability, 27 include gender, 13 include age, 12 include transgender or gender identity, and 5

⁴⁸ While the Supreme Court has held that Section 5 of the Fourteenth Amendment grants Congress broad power to criminalize discrimination based on race, color, religion, or national origin, the federal legislative authority to criminalize discrimination based on other characteristics such as gender, disability, sexual orientation, and sexual identity is more limited. See 1 RODNEY A. SMOLIA, *FEDERAL CIVIL RIGHTS ACTS* §§ 1:14, 1:16, 1:18–21 (3d ed. Supp. 2011) (discussing the limits on the Fourteenth Amendment’s “enforcement” power). Accordingly, federal congressional power to enact laws aimed at those classes must come from some other constitutional grant of authority. The Commerce Clause can provide that authority, but only if the activities at issue have more than an attenuated impact on interstate commerce. See *United States v. Morrison*, 529 U.S. 598 (2000) (holding that civil remedies created by the Violence Against Women Act of 1994 exceeded Congress’s Commerce Clause authority); see generally SMOLIA, *supra*, at §§ 1:22–24 (discussing the Commerce Clause as a source of civil rights enforcement power). In section 249, the interstate commerce requirement can be met by travel across state lines (by either the victim or perpetrator); using an “instrumentality” of interstate commerce in the commission of the crime; or using a dangerous weapon that has crossed state lines. 18 U.S.C. § 249(a)(2)(B) (West 2011).

⁴⁹ *Anti-Defamation League State Hate Crime Statutory Provisions*, ANTI-DEFAMATION LEAGUE, http://www.adl.org/99hatecrime/state_hate_crime_laws.pdf (last updated Jan. 2010).

⁵⁰ *Text of ADL Model Legislation*, ANTI-DEFAMATION LEAGUE, http://www.adl.org/99hatecrime/text_legis.asp (last visited Jan. 30, 2012).

include political affiliation.⁵¹

In addition, according to the ADL as of January 2010, 31 states and the District of Columbia explicitly provided victims of hate crimes with the option to pursue civil suits.⁵²

CONCLUSION

The legal landscape surrounding bullying is still new and evolving. The laws that currently exist on the whole place responsibility for preventing and responding to bullying on schools. They also set out institutional arrangements for bullying policy among state agencies, school districts, and schools. The anti-bullying laws, however, cannot be considered in a vacuum. There are a host of Constitutional considerations, as well as civil and criminal laws and regulations, that must be taken into account when responding to bullying. At the same time, law plays an important but partial role in addressing bullying. Legal responses and mandates can at their best only facilitate the harder non-legal work that schools must undertake to create a kinder, braver world.

⁵¹ *Anti-Defamation League State Hate Crime Statutory Provisions*, *supra* note 49.

⁵² Many of these provisions are based on the ADL model provision, which provides that “the parent(s) or legal guardian(s) of any unemancipated minor shall be liable for any judgment rendered against such minor under this Section.” *Text of ADL Model Legislation*, *supra* note 50.

APPENDIX — TABLES

Table 1: States defining bullying to encompass only behaviors that are either repetitive, systematic, or continuous, or those that are severe, persistent or pervasive*	
States requiring bullying to be repetitive, systematic, or continuous	
Alabama	"HARASSMENT. A continuous pattern of intentional behavior" Ala. Code 1975 § 16-28B-3(2).
Colorado	"'Bullying' means (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or (B) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district" C.G.S.A. § 10-222d(1).
Florida	"'Bullying' means systematically and chronically inflicting physical hurt or psychological distress on one or more students" West's F.S.A. § 1006.147(3)(a).
Indiana	"As used in this chapter, 'bullying' means overt, repeated acts or gestures" IC 20-33-8-0.2.
Massachusetts	"'Bullying', the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim" M.G.L.A. 71 § 37O(a).
Nebraska	"For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse" Neb. Rev. St. § 79-2,137(2).
Ohio	"As used in this section, 'harassment, intimidation, or bullying' means either of the following: (1) Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once" R.C. § 3313.666(A).
Vermont	"'Bullying' means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which: (A) is repeated over time" 16 V.S.A. § 11(a)(32).
States requiring bullying to be severe or pervasive	
California†	"'Bullying' means any severe or pervasive physical or verbal act or conduct" West's Ann. Cal. Educ. Code § 48900(r)(1).
Illinois	"'Bullying' means any severe or pervasive physical or verbal act or conduct" 105 ILCS 5/27-23.7(b).
Kansas	"'Bullying' means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member" K.S.A. 72-8256(a)(1).
Louisiana	"For purposes of this Subsection, the terms 'harassment', 'intimidation', and 'bullying' shall mean any intentional gesture or written, verbal, or physical act that: . . . (b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student." LSA-R.S. 17:416.13.B(2).
Pennsylvania	"For purposes of this article, 'bullying' shall mean an intentional electronic, written, verbal or physical act, or a series of acts: . . . (3) that is severe, persistent or pervasive" 24 P.S. § 13-1303.1-A(e).

* This table does not provide the full statutory definitions and is meant to emphasize the definitional requirement that the bullying be repetitive, systematic, or continuous, or that it be severe or pervasive in nature.

† West's Ann. Cal. Educ. Code § 48900, as presented in the table, will become effective on July 1, 2012.

Table 2: <i>Mens rea</i> requirements in statutory definitions of bullying*	
Requirement of intent to harm	
Alabama	"HARASSMENT. A continuous pattern of intentional behavior . . ." Ala. Code 1975 § 16-28B-3(2).
Alaska	"'[H]arassment, intimidation, or bullying' means an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student . . ." AS § 14.33.250(2).
Arkansas	"'Bullying' means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student . . ." A.C.A. § 6-18-5149(b)(2).
Colorado	"For purposes of this subparagraph (X), 'bullying' means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student." C.R.S.A. § 22-32-109.1(2)(a)(X)(B).
Georgia	"As used in this Code section, the term 'bullying' means an act . . . that is: (1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; (2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or (3) Any intentional written, verbal, or physical act which a reasonable person would perceive as being intended to threaten, harass, or intimidate . . ." Ga. Code Ann., § 20-2-751.4(a).
Idaho	"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 . . ." I.C. § 18-917A(2).
Indiana	"As used in this chapter, 'bullying' means overt, repeated acts or gestures . . . by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student." IC 20-33-8-0.2.
Kentucky	"A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person . . ." KRS § 525.070(1). "A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person . . ." KRS § 525.080(1).
Maryland	"'Bullying, harassment, or intimidation' means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication . . ." MD Code, Education, § 7-424(a)(2).
Nevada	"'Bullying' means a willful act . . ." N.R.S. 388.122. "'Harassment' means a willful act . . ." N.R.S. 388.125. "'Intimidation' means a willful act . . ." N.R.S. 388.129.
Ohio	"As used in this section, 'harassment, intimidation, or bullying' means either of the following: (1) Any intentional written, verbal, or physical act that a student has exhibited toward another particular student . . ." R.C. § 3313.666(A).
Pennsylvania	"For purposes of this article, 'bullying' shall mean an intentional electronic, written, verbal or physical act, or a series of acts . . ." 24 P.S. § 13-1303.1-A(e).
Utah	"'Bullying' means intentionally or knowingly committing an act . . ." U.C.A. 1953 § 53A-11a-102(1)(a).
Vermont	"'Bullying' means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which: . . . (B) is intended to ridicule, humiliate, or intimidate the student . . ." 16 V.S.A. § 11(a)(32).
Washington	"'Harassment, intimidation, or bullying' means any intentional electronic, written, verbal, or physical act . . ." West's RCWA 28A.300.285(2).
West Virginia	"As used in this article, 'harassment, intimidation or bullying' means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat . . ." W. Va. Code, § 18-2C-2(a).
Requirement that a reasonable person should know his act will cause harm	
California**	"(1) 'Bullying' means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, . . . directed toward one or more

	pupils that has or can be reasonably predicted to have the effect of one or more of the following: (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property. (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health. (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance. (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. . . . (3) 'Reasonable pupil' means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs." West's Ann. Cal. Educ. Code § 48900(r).
Delaware	"As used in this section, 'bullying' means any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of" 14 Del. C. § 4112D(a).
Kansas	"'Bullying' means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of" K.S.A. 72-8256(a)(1).
Louisiana	"For purposes of this Subsection, the terms 'harassment', 'intimidation', and 'bullying' shall mean any intentional gesture or written, verbal, or physical act that: (a) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property" LSA-R.S. 17:416.13.B(2).
Michigan	"'Bullying' means any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm 1 or more pupils" M.C.L.A. 380.1310b(8)(b).
Oklahoma	"'Harassment, intimidation, and bullying' means any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student." 70 Okl. St. Ann. § 24-100.3.C.1.
Wyoming	"'Harassment, intimidation or bullying' means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of" W.S. 1977 § 21-4-312(a)(i).

*This table does not provide the full statutory definitions and is meant to emphasize the requirement or recognition that the intentionally harmful nature of the behavior receives in the bullying definitions.

**West's Ann. Cal. Educ. Code § 48900, as presented in the table, will become effective on July 1, 2012.

Table 3: Treatment of power differential or imbalance*	
Statutory bullying definitions requiring a power imbalance	
Texas	“Conduct described by Subsection (a) is considered bullying if that conduct: (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct” V.T.C.A., Education Code § 37.0832(b).
Statutory bullying definitions recognizing the role played by a power differential or imbalance	
Delaware	“As used in this section, ‘bullying’ means any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee that a reasonable person under the circumstances should know will have the effect of: . . . (2) Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target” 14 Del. C. § 4112D(a).
New Hampshire	“‘Bullying’ shall include actions motivated by an imbalance of power based on a pupil’s actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil’s association with another person and based on the other person’s characteristics, behaviors, or beliefs.” N.H. Rev. Stat. § 193-F:3.I(b).
Statutory professional development provisions recognizing the role played by a power differential	
Massachusetts	“The content of such professional development shall include, but not be limited to: . . . (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying” M.G.L.A. 71 § 37O(d).

* This table does not provide the full statutory definitions and is meant to emphasize the requirement or recognition that power differential or imbalance receives in the statutory definitions of bullying.

Table 4: Treatment of cyberbullying, or bullying involving electronic acts, in statutory bullying definitions*	
Provisions defining bullying to include electronic acts or otherwise defining cyberbullying in substantially the same way as bullying	
Alabama	"HARASSMENT. A continuous pattern of intentional behavior . . . including, but not limited to, written, electronic, verbal, or physical acts" Ala. Code 1975 § 16-28B-3(2).
Arkansas	"(2) 'Bullying' means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act . . . (3) 'Electronic act' means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager" A.C.A. § 6-18-514.
California [†]	"(1) 'Bullying' means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act . . . (2) 'Electronic act' means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager." West's Ann. Cal. Educ. Code § 48900(r).
Colorado	"For purposes of this subparagraph (X), 'bullying' means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. . . ." C.R.S.A. § 22-32-109.1(2)(a)(X)(B).
Delaware	"(a) Definition of bullying. – As used in this section, 'bullying' means any intentional written, electronic, verbal or physical act or actions against another student, school volunteer or school employee" 14 Del. C. § 4112D.
Florida	"For purposes of this section: (a) 'Bullying' means systematically and chronically inflicting physical hurt or psychological distress on one or more students . . . (b) 'Harassment' means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee . . . (d) The definitions of 'bullying' and 'harassment' include: . . . 2. Perpetuation of conduct listed in paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by: . . . b. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system" West's F.S.A. § 1006.147(3).
Georgia	"As used in this Code section, the term 'bullying' means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system" Ga. Code Ann., § 20-2-751.4(a).
Idaho	"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 . . . 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." I.C. § 18-917A(2).
Illinois	"(b) In this Section: 'Bullying' means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students" 105 ILCS 5/27-23.7.
Indiana	"(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a: (1) computer; (2) computer system; or (3) computer

	network; of a school corporation.” IC 20-33-8-13.5.
Iowa	“For purposes of this section, unless the context otherwise requires: a. ‘Electronic’ means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. ‘Electronic’ includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging. b. ‘Harassment’ and ‘bullying’ shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student” I.C.A. § 280.28.2.
Louisiana	“For the purposes of this Subsection, the term ‘cyberbullying’ shall mean harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology or harassment, intimidation, or bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property.” LSA-R.S. 17:416.13.C(2).
Maryland	“(2) ‘Bullying, harassment, or intimidation’ means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication (3) “Electronic communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.” MD Code, Education, § 7-424(a).
Michigan	“‘Bullying’ means any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly” M.C.L.A. 380.1310b(8)(b).
Mississippi	“As used in this act, ‘bullying or harassing behavior’ is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication” Miss. Code Ann. § 37 -11-67(1).
Missouri	“‘Bullying’ means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts.” V.A.M.S. 160.775.2.
Nebraska	“For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds” Neb. Rev. St. § 79-2,137(2).
Nevada	“‘Cyber-bullying’ means bullying through the use of electronic communication.” N.R.S. 388.123.
New Hampshire	“I. (a) ‘Bullying’ means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil II. ‘Cyberbullying’ means conduct defined in paragraph I of this section undertaken through the use of electronic devices. III. ‘Electronic devices’ include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.” N.H. Rev. Stat. § 193-F:3.
New Jersey	“‘Electronic communication’ means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager; ‘Harassment, intimidation or bullying’ means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents” N.J.S.A. 18A:37-14.
North Carolina	“As used in this Article, ‘bullying or harassing behavior’ is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication” N.C.G.S.A. § 115C-407.15(a).
North Dakota	“1. ‘Bullying’ means: a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event

	2. 'Conduct' includes the use of technology or other electronic media." NDCC, 15.1-19-17.
Oklahoma	"1. 'Harassment, intimidation, and bullying' means any gesture, written or verbal expression, electronic communication, or physical act . . . 'Harassment, intimidation, and bullying' include, but are not limited to, gestures, written, verbal, or physical acts, or electronic communications; . . . 3. 'Electronic communication' means the communication of any written, verbal, or pictorial information by means of an electronic device, including, but not limited to, a telephone, a cellular telephone or other wireless telecommunication device, or a computer . . ." 70 Okl. St. Ann. § 24-100.3.C.
Oregon	"(1) 'Cyberbullying' means the use of any electronic communication device to harass, intimidate or bully." O.R.S. § 339.351.
Pennsylvania	"For purposes of this article, 'bullying' shall mean an intentional electronic, written, verbal or physical act, or a series of acts . . ." 24 P.S. § 13-1303.1-A(e).
South Carolina	"'Harassment, intimidation, or bullying' means a gesture, an electronic communication, or a written, verbal, physical, or sexual act . . ." Code 1976 § 59-63-120(1).
Tennessee	"(1) 'Cyber-bullying' means bullying undertaken through the use of electronic devices; (2) 'Electronic devices' include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites . . ." T.C.A. § 49-6-1015(a).
Texas	"In this section, 'bullying' means . . . engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district . . ." V.T.C.A., Education Code § 37.0832(a).
Vermont	"'Harassment' means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means . . ." 16 V.S.A. § 11(a)(26)(A).
Washington	"'Harassment, intimidation, or bullying' means any intentional electronic, written, verbal, or physical act . . ." West's RCWA 28A.300.285(2).
West Virginia	"(a) As used in this article, 'harassment, intimidation or bullying' means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat . . . (b) As used in this article, an electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device." W. Va. Code, § 18-2C-2.
Wyoming	"'Harassment, intimidation or bullying' means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school . . ." W.S.1977 § 21-4-312(a)(i).
Provisions defining cyberbullying more broadly or specifically	
Connecticut	"(a) As used in this section and sections 10-222g, 10-222h, and sections 4 and 9 of public act 11-232: . . . (2) 'Cyberbullying' means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications; (3) 'Mobile electronic device' means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted; (4) 'Electronic communication' means 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, photoelectronic or photo-optical system . . ." C.G.S.A. § 10-222d.
Kansas	"'Cyberbullying' means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones,

	paggers, online games and websites.” K.S.A. 72-8256(a)(2).
Kentucky	“A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she: . . . (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.” KRS § 525.080(1).
Massachusetts	“‘Bullying’, the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying. . . . ‘Cyber-bullying’, bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. . . .” M.G.L.A. 71 § 370(a).
Rhode Island	“(1) ‘Bullying’ means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student (2) ‘Cyber-bullying’ means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting 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. For purposes of this section, cyber-bullying shall also include: (i) The creation of a web page or blog in which the creator assumes the identity of another person; (ii) The knowing impersonation of another person as the author of posted content or messages; or (iii) The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (i) to (v) of the definition of bullying herein.” Gen. Laws 1956, § 16-21-34(a).
Utah	“‘Cyber-bullying’ means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.” U.C.A. 1953 § 53A-11a-102(3).

* This table does not provide the full statutory definitions and is meant to emphasize the coverage of cyberbullying in the statutory definitions of bullying.

† West’s Ann. Cal. Educ. Code § 48900, as presented in the table, will become effective on July 1, 2012.

Table 5: Treatment of victims' characteristics in statutory definitions of bullying*	
Provisions requiring the victim to possess differentiating characteristics, but providing no list of what the differentiating characteristics must be	
Alabama	"HARASSMENT. A continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board." Ala. Code 1975 § 16-28B-3(2). "Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences
Provisions requiring the victim to possess actual or perceived differentiating characteristics, but providing only a non-exhaustive list of what the differentiating characteristics could be	
Iowa	"b. 'Harassment' and 'bullying' shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student c. 'Trait or characteristic of the student' includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status." I.C.A. § 280.28.2.
New Jersey	"'Harassment, intimidation or bullying' means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic" N.J.S.A. 18A:37-14.
Provisions requiring the victim to possess actual or perceived differentiating characteristics in some respects but not in others	
California†	"No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid." West's Ann. Cal. Educ. Code § 220. "The department shall assess whether local educational agencies have done all of the following: (a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics." West's Ann. Cal. Educ. Code § 234.1. "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. For purposes of this subdivision, the following terms have the following meanings: (1) 'Bullying' means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils" West's Ann. Cal. Educ. Code § 48900. "In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment" West's Ann. Cal. Educ.

	Code § 48900.2. "In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence" West's Ann. Cal. Educ. Code § 48900.3. "In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment." West's Ann. Cal. Educ. Code § 48900.4. "'Hate crime' means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: (1) Disability. (2) Gender. (3) Nationality. (4) Race or ethnicity. (5) Religion. (6) Sexual orientation. (7) Association with a person or group with one or more of these actual or perceived characteristics." West's Ann. Cal. Penal Code § 422.55(a).
Vermont	"(26)(A) 'Harassment' means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability (32) 'Bullying' means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students" 16 V.S.A. § 11(a).
Provisions recognizing the role of victim's differentiating characteristics, and providing a non-exhaustive list of what the differentiating characteristics could be	
Arkansas	"(1) 'Attribute' means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation; (2) 'Bullying' means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated (4) 'Harassment' means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment" A.C.A. § 6-18-514(b).
Colorado	"The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services" C.R.S.A. § 22-32-109(1)(I)(I). "For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109(1)(I)(I)." C.R.S.A. § 22-32-109.1(2)(a)(X)(B).
Connecticut	"Bullying shall include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or

	more of such characteristics” C.G.S.A. § 10-222d(a)(1).
Illinois	“Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all school districts and non-public, non-sectarian elementary and secondary schools.” 105 ILCS 5/27-23.7(a).
Maryland	“‘Bullying, harassment, or intimidation’ means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that: (i) . . . is: 1. Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or 2. Threatening or seriously intimidating” MD Code, Education, § 7-424(a)(2).
New Hampshire	“Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.” N.H. Rev. Stat. § 193-F:2.II. “‘Bullying’ shall include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.” N.H. Rev. Stat. § 193-F:3.I(b).
New York†	“3. ‘Disability’ shall mean disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law. . . . 5. ‘Sexual orientation’ shall mean actual or perceived heterosexuality, homosexuality or bisexuality. 6. ‘Gender’ shall mean actual or perceived sex and shall include a person's gender identity or expression. 7. ‘Harassment’ shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.” McKinney's Education Law § 11. “The term ‘disability’ means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment” McKinney's Executive Law § 292.21.
North Carolina	“Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.” N.C.G.S.A. § 115C-407.15(a).
Oregon	“(2) ‘Harassment, intimidation or bullying’ means any act that: . . . (d) May be based on, but not be limited to, the protected class status of a person. (3) ‘Protected class’ means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.” O.R.S. § 339.351.

Rhode Island	“‘Bullying’ means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student . . . (v) . . . The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.” Gen. Laws 1956, § 16-21-33(a)(1).
Washington	“‘Harassment, intimidation, or bullying’ means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics . . . Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.” West’s RCWA 28A.300.285(2). “(3) It is not a defense that the accused was mistaken that the victim was a member of a certain race, color, religion, ancestry, national origin, gender, or sexual orientation, or had a mental, physical, or sensory handicap. (6) For the purposes of this section: (a) “Sexual orientation” has the same meaning as in RCW 49.60.040.” West’s RCWA 9A.36.080. “‘Sexual orientation’ means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, ‘gender expression or identity’ means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.” West’s RCWA 49.60.040(26).
Provisions recognizing the role of victim’s differentiating characteristics, but without providing any list of what the differentiating characteristics could be	
Mississippi	“As used in this act, ‘bullying or harassing behavior’ is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus . . .” Miss. Code Ann. § 37 -11-67(1).
Provisions prohibiting the special consideration of a victim’s differentiating characteristics	
Missouri	“Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment.” V.A.M.S. 160.775.3.

* This table does not provide the full statutory definitions and is meant to emphasize the requirement or recognition that the victims’ characteristics receive in the statutory definitions of bullying.

† West’s Ann. Cal. Educ. Code §§ 234.1 & 48900, and McKinney’s Education Law § 11, as presented in the table, will become effective on July 1, 2012.

Table 6: States requiring equal treatment for all students	
Florida	"The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law." West's F.S.A. § 1006.147(4).
Massachusetts	"The [bullying] plan shall afford all students the same protection regardless of their status under the law." M.G.L.A. 71 § 37O(d).
Michigan	"A policy adopted pursuant to subsection (1) shall include at least all of the following: . . . (c) A provision indicating that all pupils are protected under the policy and that bullying is equally prohibited without regard to its subject matter or motivating animus." M.C.L.A. 380.1310b(5).
New Hampshire	"The policy shall contain, at a minimum, the following components: . . . (c) A requirement that all pupils are protected regardless of their status under the law." N.H. Rev. Stat. § 193-F:4.II.
Rhode Island	"The plan shall afford all students the same protection regardless of their status under the law" Gen. Laws 1956, § 16-21-34(a)(10).
Utah	"The policy shall: . . . (b) provide protection to a student, regardless of the student's legal status." U.C.A. 1953 § 53A-11a-301(2).

Table 6A : Treatment of Terms “Harassment” and “Bullying”	
States referring only to harassment	
Alabama	“No student shall engage in or be subjected to harassment, intimidation, violence, or threats of violence . . .” Ala. Code 1975 § 16-28B-4(a).
Kentucky	“A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person . . .” KRS § 525.070(1). “A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person . . .” KRS § 525.080(1).
New York	“1. No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived . . .” N.Y. Educ. Law §12 (McKinney 2012)
States referring to both harassment and bullying and not defining them	
Arizona	Requires districts to “Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils,” leaves definitions to the district. AZ ST § 15-341(37)
Hawaii	“[a]s used in this Act, “bullying”, “cyberbullying”, and “harassment” shall have the same meanings as defined in any department of education administrative rules or statutes governing bullying, cyberbullying, and harassment.” H.B. No. 688.
Maine	Provides, without defining the terms, that “[t]he 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.” ME ST T. 20-A § 1001
Virginia	“The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to . . . (ii) standards, consistent with state, federal and case laws, for school board policies on . . .bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, . . .” VA ST § 22.1-279.6.
States referring to both harassment and bullying defining them separately	
Florida	“Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited.” FL ST § 1006.147 (2) (a) “Bullying” means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve: 1. Teasing; 2. Social exclusion; 3. Threat; 4. Intimidation; 5. Stalking; 6. Physical violence; 7. Theft; 8. Sexual, religious, or racial harassment; 9. Public humiliation; or 10. Destruction of property. FL ST § 1006.147 (3) (b) “Harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that: 1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or 3. Has the effect of substantially disrupting the orderly operation of a school. FL ST § 1006.147 (3)
Nevada	“‘Bullying’ means a willful act . . .” N.R.S. 388.122. “‘Harassment’ means a willful act . . .” N.R.S. 388.125. “‘Intimidation’ means a willful act . . .” N.R.S. 388.129.
Texas	Requires education on bullying and harassment and defines them separately. TX EDUC § 37.001. (but in policy requirement section refers only to bullying, see TX EDUC § Sec. 37.0832)

Utah	"No school employee or student may engage in bullying or harassing a school employee or student," terms defined separately. UT St. 3A-11a-201 .
Vermont	Defines harassment and bullying separately. Sec. 35. 16 V.S.A. § 11(a)(26)(A)
States referring to both harassment and bullying defining them together	
Alaska	"...each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. AS § 14.33.200(a). Defines "[H]arassment, intimidation, or bullying" as "an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student" AS § 14.33.250(2).
Iowa	Requires districts to have "[a] statement declaring harassment and bullying to be against state and school policy" and defines them together ("Harassment' and 'bullying' shall be construed to mean . . .") . IA ST § 280.28
Idaho	"No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student." I.C. § 18-917A(1). "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" I.C. § 18-917A(2).
Louisiana	Requires adoption of policies "prohibiting the harassment, intimidation, and bullying of a student by another student," and provides that "For purposes of this Subsection, the terms 'harassment', 'intimidation', and 'bullying' shall mean any intentional gesture or written, verbal, or physical act that: . . . (b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student." LSA-R.S. 17:416.13.B(2).
Maryland	Requires "[e]ach county board shall establish a policy prohibiting bullying, harassment, or intimidation at school based on the mode policy." MD Code, Education, § 7-424(b)(1). "'Bullying, harassment, or intimidation' means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication" MD Code, Education, § 7-424(a)(2).
Mississippi	"(2) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students. (1) As used in this act, "bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that . . ." MS SB. 2015
North Carolina	(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students. (a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that . . ." NC ST § 115C-407.5.
New Jersey	" Each school district shall adopt a policy prohibiting harassment, intimidation or bullying . . ." NJ ST 18A:37-15 "Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that . . ." NJ ST 18A:37-14

Ohio	"As used in this section, 'harassment, intimidation, or bullying' means either of the following: (1) Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once" R.C. § 3313.666(A).
Oklahoma	"The purpose of the School Bullying Prevention Act is to provide a comprehensive approach for the public schools of this state to create an environment free of unnecessary disruption which is conducive to the learning process by implementing policies for the prevention of harassment, intimidation, and bullying. . . . 1. "Harassment, intimidation, and bullying" means" OK ST T. 70 § 24-100.3
Oregon	"As used in ORS 339.351 to 339.364: (1) "Cyberbullying" means the use of any electronic communication device to harass, intimidate or bully. (2) "Harassment, intimidation or bullying" means any act that . . ." 339.351.
South Carolina	"As used in this article: (1) "Harassment, intimidation, or bullying" means" Section 59-63-120.
Tennessee	(3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and" TN ST § 49-6-1015
Washington	"'Harassment, intimidation, or bullying' means any intentional electronic, written, verbal, or physical act" West's RCWA 28A.300.285(2).
West Virginia	"As used in this article, 'harassment, intimidation or bullying' means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat" W. Va. Code, § 18-2C-2(a).
Wyoming	"'Harassment, intimidation or bullying' means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school that a reasonable person under the circumstances should know will have the effect of" W.S. 1977 § 21-4-312(a)(i).
States including term harass or harassment in bullying definition	
Arkansas	"'Bullying' means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student" A.C.A. § 6-18-5149(b)(2).
Georgia	"As used in this Code section, the term 'bullying' means an act . . . that is: (1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; (2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or (3) Any intentional written, verbal, or physical act which a reasonable person would perceive as being intended to threaten, harass, or intimidate" Ga. Code Ann., § 20-2-751.4(a).
Illinois	"Bullying, as defined in this subsection (b), may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non- exhaustive." IL ST CH 105 § 5/27-23.7(b)
Indiana	"As used in this chapter, 'bullying' means overt, repeated acts or gestures . . . by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the

	other student.” IC 20-33-8-0.2.
Missouri	“Every district shall adopt an antibullying policy by September 1, 2007. . . . 2. “Bullying” means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts. MO St. 160.775. 1 and 2.

*This table does not provide complete definitions from the statutes, but rather is mean only to show when states use the the terms harassment and bullying and whether they are defined together or separately.

Table 7: States explicitly allowing for self-defense measures against bullying	
Mississippi	“The policies must recognize the fundamental right of every student to take reasonable actions as may

	be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.” Miss. Code Ann. § 37-11-69.
Texas	“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” V.T.C.A., Education Code § 37.0832(c).

Table 8: Scope of school's reach over incidents of bullying*	
Bullying limited to that occurring at school or at other school-related locations	
Alabama	"HARASSMENT. A continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function" Ala. Code 1975 § 16-28B-3(2).
Alaska	"[E]ach school district shall report to the department by November 30 all incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by schools." AS § 14.33.210.
Iowa	"On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy." I.C.A. § 280.28.3.
Mississippi	"As used in this act, 'bullying or harassing behavior' is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus" Miss. Code Ann. § 37 -11-67(1).
Nebraska	"For purposes of this section, bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events." Neb. Rev. St. § 79-2,137(2).
North Carolina	"As used in this Article, 'bullying or harassing behavior' is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus" N.C.G.S.A. § 115C-407.15(a).
North Dakota	"1. 'Bullying' means: a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event . . . b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event" NDCC, 15.1-19-17.
New York†	"No student shall be subjected to harassment by employees or students on school property or at a school function" McKinney's Education Law § 12.
Ohio	"The policy shall include the following: (1) A statement prohibiting harassment, intimidation, or bullying of any student on school property or at school-sponsored events" R.C. § 3313.666(B).
Oregon	"'Harassment, intimidation or bullying' means any act that: . . . (b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop" O.R.S. § 339.351(2).
South Carolina	"Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school." Code 1976 § 59-63-140(A).
Texas	"In this section, 'bullying' means . . . engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district" V.T.C.A., Education Code § 37.0832(a).
West Virginia	"Each county board policy shall, at a minimum, include the following components: (1) A statement prohibiting harassment, intimidation or bullying of any student on school property, a school bus, at a school bus stop or at school sponsored events;" W. Va. Code, § 18-2C-3(b).
Wyoming	"'Harassment, intimidation or bullying' means any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act initiated, occurring or received at school" W.S.1977 § 21-4-312(a)(i).
Bullying limited to that occurring at school or at other school-related locations, or using school-owned	

technology	
Delaware	"Each school district and charter school shall establish a policy which, at a minimum, includes the following components: a. A statement prohibiting bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from kindergarten through grade 12." 14 Del. C. § 4112D(b)(2).
Florida	"Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited: (a) During any education program or activity conducted by a public K-12 educational institution; (b) During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution; or (c) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution." West's F.S.A. § 1006.147(2).
Georgia	"As used in this Code section, the term 'bullying' means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system" Ga. Code Ann., § 20-2-751.4(a).
Illinois	"No student shall be subjected to bullying: (1) during any school-sponsored education program or activity; (2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities; or (3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment." 105 ILCS 5/27-23.7(a).
Indiana	"The discipline rules described in subsection (a) must apply when a student is: (1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; (2) off school grounds at a school activity, function, or event; (3) traveling to or from school or a school activity, function, or event; or (4) using property or equipment provided by the school." IC 20-33-8-13.5(b).
Kansas	"The board of education of each school district shall adopt a policy to prohibit bullying on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event." K.S.A. 72-8256(b).
Michigan	"(1) . . . [T]he board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section. . . . (8) As used in this section: (a) 'At school' means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. 'At school' includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy." M.C.L.A. 380.1310b.
Provisions leaving ambiguous whether schools may reach bullying occurring outside of school or other school-related locations	
Arkansas	"(2) 'Bullying' means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee . . . that causes or creates actual or reasonably foreseeable: (A) Physical harm to a public school employee or student or damage to the public school employee's or student's property; (B) Substantial interference with a student's education or with a public school employee's role in education;

	(C) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or (D) Substantial disruption of the orderly operation of the school or educational environment; . . . (5) 'Substantial disruption' means without limitation that any one (1) or more of the following occur as a result of the bullying: (A) Necessary cessation of instruction or educational activities; (B) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment; (C) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or (D) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment." A.C.A. § 6-18-514.
California†	"(1) 'Bullying' means any severe or pervasive physical or verbal act or conduct . . . directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following: (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property. (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health. (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance. (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school." West's Ann. Cal. Educ. Code § 48900(r).
Colorado	"For purposes of this subparagraph (X), 'bullying' means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. . . ." C.R.S.A. § 22-32-109.1(2)(a)(X)(B).
Idaho	"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." I.C. § 18-917A(2).
Kentucky	"A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm another person, he or she: . . . (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event: 1. Damages or commits a theft of the property of another student; 2. Substantially disrupts the operation of the school; or 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment." KRS § 525.070(1). "A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she: . . . (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the

	circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication." KRS § 525.080(1).
Missouri	""Bullying' means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property." V.A.M.S. 160.775.2.
Nevada	""Bullying' means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and: 1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress; 2. Places the person in reasonable fear of harm or serious emotional distress; or 3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil." N.R.S. 388.122.
Vermont	""Harassment' means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means . . . that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment." 16 V.S.A. § 11(a)(26)(A).
Washington	""Harassment, intimidation, or bullying' means any intentional electronic, written, verbal, or physical act, . . . when the intentional electronic, written, verbal, or physical act: (a) Physically harms a student or damages the student's property; or (b) Has the effect of substantially interfering with a student's education; or (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (d) Has the effect of substantially disrupting the orderly operation of the school." West's RCWA 28A.300.285(2).
Provisions explicitly extending schools' ability to reach at least some incidents of bullying occurring outside of school or other school-related locations	
Connecticut	(a) As used in this section and sections 10-222g, 10-222h, and sections 4 and 9 of public act 11-232: (1) 'Bullying' means (A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, . . . that: (i) Causes physical or emotional harm to such student or damage to such student's property, (ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (iii) creates a hostile environment at school for such student, (iv) infringes on the rights of such student at school, or (v) substantially disrupts the education process or the orderly operation of a school. . . . (5) 'Hostile environment' means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate; (6) 'Outside of the school setting' means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education; . . . (b) 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: . . . (15) prohibit bullying (A) on school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a local or regional board of education, or through the use of an electronic device or an electronic mobile device owned, leased or used by the local or regional board of education, and (B) outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school . . ." C.G.S.A. § 10-222d.
Louisiana	"B. . . (2) For purposes of this Subsection, the terms "harassment", "intimidation", and "bullying"

	shall mean any intentional gesture or written, verbal, or physical act that: (a) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and (b) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student. . . . C. . . . (2) For the purposes of this Subsection, the term ‘cyberbullying’ shall mean harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology or harassment, intimidation, or bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property.” LSA-R.S. 17:416.13.
Maryland	“‘Bullying, harassment, or intimidation’ means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that: (i) Creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being . . . (ii) 1. Occurs on school property, at a school activity or event, or on a school bus; or 2. Substantially disrupts the orderly operation of a school.” MD Code, Education, § 7-424(a)(2).
Massachusetts	“(a) ‘Bullying’, the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying. . . . ‘Hostile environment’, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education. . . . (b) Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school.” M.G.L.A. 71 § 37O.
New Hampshire	“‘Bullying’ means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which: (1) Physically harms a pupil or damages the pupil's property; (2) Causes emotional distress to a pupil; (3) Interferes with a pupil's educational opportunities; (4) Creates a hostile educational environment; or (5) Substantially disrupts the orderly operation of the school.” N.H. Rev. Stat. § 193-F:3.I(a). “Bullying or cyberbullying shall occur when an action or communication as defined in RSA 193-F:3: (a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) Occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.” N.H. Rev. Stat. § 193-F:4.I.

New Jersey	“‘Harassment, intimidation or bullying’ means any gesture, any written, verbal or physical act, or any electronic communication , whether it be a single incident or a series of incidents, . . . that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c. 122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that: a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; b. has the effect of insulting or demeaning any student or group of students; or c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.” N.J.S.A. 18A:37-14. “The policy adopted by each school district . . . shall include provisions for appropriate responses to harassment, intimidation, or bullying, as defined in section 2 of P.L.2002, c. 83 (C.18A:37-14), that occurs off school grounds, in cases in which a school employee is made aware of such actions. The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the board of education's code of student conduct and other provisions of the board's policy on harassment, intimidation, or bullying.” N.J.S.A. 18A:37-15.3.
Oklahoma	“‘Harassment, intimidation, and bullying’ means any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.” 70 Okl. St. Ann. § 24-100.3.C.1. “The [harassment, intimidation, and bullying] policy shall: 1. Specifically prohibit threatening behavior, harassment, intimidation, and bullying by students at school and by electronic communication, whether or not such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school” 70 Okl. St. Ann. § 24-100.4.A.
Pennsylvania	“(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). . . . (e) For purposes of this article, ‘bullying’ shall mean an intentional electronic, written, verbal or physical act, or a series of acts: (1) directed at another student or students; (2) which occurs in a school setting; (3) that is severe, persistent or pervasive; and (4) that has the effect of doing any of the following: (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school” 24 P.S. § 13-1303.1-A.
Rhode Island	“(1) ‘Bullying’ means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that: (i) Causes physical or emotional harm to the student or damage to the student's property; (ii) Places the student in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) Creates an intimidating, threatening, hostile, or abusive educational environment for the student; (iv) Infringes on the rights of the student to participate in school activities; or (v) Materially and substantially disrupts the education process or the orderly operation of a school. . . . (3) ‘At school’ means on school premises, at any school-sponsored activity or event whether or not

	it is held on school premises, on a school-transportation vehicle, at an official school bus stop, using property or equipment provided by the school, or creates a material and substantial disruption of the education process or the orderly operation of the school.” Gen. Laws 1956, § 16-21-33(a). “The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school.” Gen. Laws 1956, § 16-21-34(a).
Tennessee	“‘Harassment, intimidation or bullying’ means any act that substantially interferes with a student’s educational benefits, opportunities or performance; and: . . . (B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.” T.C.A. § 49-6-1015(a)(3).
Utah	“(1) No school employee or student may engage in bullying or harassing a school employee or student: (a) on school property; (b) at a school related or sponsored event; (c) on a school bus; (d) at a school bus stop; or (e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d). (2) No school employee or student may engage in hazing or cyber-bullying a school employee or student at any time or in any location.” U.C.A. 1953 § 53A-11a-201.

* This table does not provide the full statutory definitions and is meant to emphasize the scope of bullying in the statutory definitions of bullying.

† West’s Ann. Cal. Educ. Code § 48900, and McKinney’s Education Law § 12, as presented in the table, will become effective on July 1, 2012.

Table 9: States requiring or encouraging school districts to adopt bullying investigation procedures	
Provisions requiring school districts to include investigation procedures in their bullying policies	
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: . . . (f) A formal process for the investigation by the appropriate school officials of suspected incidents of harassment, intimidation or bullying, including procedures for notifying the alleged victim on completion and disposition of the investigation." A.R.S. § 15-341.A.
Arkansas	"A school principal or his or her designee who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation." A.C.A. § 6-18-514(d).
California*	"The complaint process shall include, but not be limited to, all of the following: . . . (2) A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the school district." West's Ann. Cal. Educ. Code § 234.1(b).
Connecticut	"(b) 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: . . . (4) require the safe school climate specialist to investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports made under this section" C.G.S.A. § 10-222d(b). "For the school year commencing July 1, 2012, and each school year thereafter, the principal of each school, or the principal's designee, shall serve as the safe school climate specialist and shall (1) investigate or supervise the investigation of reported acts of bullying in the school in accordance with the district's safe school climate plan, (2) collect and maintain records of reports and investigations of bullying in the school, and (3) act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school." 2011 Conn. Legis. Serv. P.A. 11-232 (S.B. 1138), § 9(b).
Delaware	"Each school district and charter school shall establish a policy which, at a minimum, includes the following components: . . . f. A requirement that each school have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred." 14 Del. C. § 4112D(b)(2).
Florida	"The school district policy must contain, at a minimum, the following components: . . . (g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop. (h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction." 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: . . . (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention." IC 20-33-8-13.5(a).
Iowa	"Each policy shall, at a minimum, include all of the following components: . . . e. A procedure for reporting an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of harassment or bullying. f. A procedure for the prompt investigation of complaints, either identifying the school superintendent or the superintendent's designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances

	presented in determining whether conduct objectively constitutes harassment or bullying under this section." I.C.A. § 280.28.3.
Kentucky	"The code shall contain: 1. Procedures for identifying, documenting, and reporting incidents of violations of the code and incidents for which reporting is required under KRS 158.156; 2. Procedures for investigating and responding to a complaint or a report of a violation of the code or of an incident for which reporting is required under KRS 158.156, including reporting incidents to the parents, legal guardians, or other persons exercising custodial control or supervision of the students involved" KRS § 158.148(4)(c).
Louisiana	"By not later than January 1, 2011, the governing authority of each public elementary and secondary school shall develop and adopt a policy establishing procedures for the investigation of reports of harassment, intimidation, and bullying, including cyberbullying, of a student by another student." LSA-R.S. 17:416.13.D(2).
Maryland	"The model policy developed under paragraph (1) of this subsection shall include: . . . (vii) Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation" MD Code, Education, § 7-424.1(b)(2).
Massachusetts	"Each plan shall include, but not be limited to: . . . (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation" M.G.L.A. 71 § 370(d).
Michigan	"A policy adopted pursuant to subsection (1) shall include at least all of the following: . . . (h) A procedure for prompt investigation of a report of violation of the policy or a related complaint, identifying either the principal or the principal's designee as the person responsible for the investigation." M.C.L.A. 380.1310b(5).
Mississippi	"Before December 31, 2010, each local school district shall include in its personnel policies, discipline policies and code of student conduct a prohibition against bullying or harassing behavior and adopt procedures for reporting, investigating and addressing such behavior." Miss. Code Ann. § 37-11-69.
Nevada	"The principal of each public school or his or her designee shall: . . . 2. Conduct investigations of violations of NRS 388.135 occurring at the school" 2011 Nevada Laws Ch. 376 (S.B. 276), § 11 "The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The investigation must be completed within 10 days after the date on which the investigation is initiated" 2011 Nevada Laws Ch. 376 (S.B. 276), § 14.2
New Hampshire	"The policy shall contain, at a minimum, the following components: . . . (j) A written procedure for investigation of reports, to be initiated within 5 school days of the reported incident, identifying either the principal or the principal's designee as the person responsible for the investigation and the manner and time period in which the results of the investigation shall be documented. The superintendent or designee may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The superintendent or superintendent's designee shall notify in writing all parties involved of the granting of an extension." N.H. Rev. Stat. § 193-F:4.II.
New Jersey	"[T]he policy shall contain, at a minimum, the following components: (6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that: (a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information" N.J.S.A. 18A:37-15.b.
North Carolina	"The policy shall contain, at a minimum, the following components: . . . (6) A procedure for prompt

	investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation." N.C.G.S.A. § 115C-407.16(b).
North Dakota	"The policy required by this section must: . . . c. Establish procedures, including timelines, for school district personnel to follow in investigating reports of alleged bullying, reprisal, or retaliation" NDCC, 15.1-19-18.2.
Ohio	"The policy shall include the following: . . . (7) A procedure for responding to and investigating any reported incident" R.C. § 3313.666(B).
Oklahoma	"The policy shall: . . . 3. Establish a procedure for the investigation of all incidents of harassment, intimidation, bullying, or threatening behavior reported to school officials for the purpose of determining the severity of the incidents and their potential to result in future violence" 70 Okl. St. Ann. § 24-100.4.A.
Oregon	"School districts must include in the policy: . . . (h) A procedure that is uniform throughout the school district for prompt investigation of a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for investigating such a report." O.R.S. § 339.356(2).
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: . . . (4) Clear procedures for promptly responding to and investigating reports of bullying or retaliation" Gen. Laws 1956, § 16-21-34(a).
South Carolina	"The [harassment, intimidation, and bullying] policy must include, but not be limited to, the following components: . . . (6) procedures for prompt investigation of reports of serious violations and complaints" Code 1976 § 59-63-140(B).
Tennessee	"School districts shall include in the policies: . . . (6) A procedure for prompt investigation of a report of an act of harassment, intimidation, bullying or cyber-bullying" T.C.A. § 49-6-1016(b).
Texas	"The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that: . . . (6) establishes procedures for reporting an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred" 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: . . . (7) A procedure for responding to and investigating any reported incident" W. Va. Code, § 18-2C-3(b).
Wyoming	"The policy prohibiting harassment, intimidation or bullying shall include, without limitation: . . . (v) Procedures for prompt investigation of reports or complaints of serious violations" W.S.1977 § 21-4-314(b).
Provisions including investigation procedures in non-mandatory model bullying policies	
Alabama	"The model policy, at a minimum, shall contain all of the following components: . . . (5) A procedure for reporting an act of intimidation, threat of suicide, harassment, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student. (6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation." Ala. Code 1975 § 16-28B-5.
Georgia	"Such model policy shall include: . . . (3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred" Ga. Code Ann., § 20-2-751.4(c).
Wisconsin	"The [model] policy shall include all of the following: . . . 5. A procedure for investigating reports of bullying. The procedure shall identify the school district employee in each school who is responsible for conducting the investigation and require that the parent or guardian of each pupil involved in a bullying incident be notified." W.S.A. 118.46(1)(a).

* West's Ann. Cal. Educ. Code § 234.1, as presented in the table, will become effective on July 1, 2012.

Table 10: 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).
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).
Provisions requiring staff to report incidents of bullying included in non-mandatory model policies	
Georgia	“Such model policy shall include: . . . (2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal” Ga. Code Ann., § 20-2-751.4(c).
Wisconsin	“The [model] policy shall include all of the following: . . . 6. A requirement that school district officials and employees report incidents of bullying and identify the persons to whom the reports must be made.” W.S.A. 118.46(1)(a).

* West's Ann. Cal. Educ. Code § 234.1, as presented in the table, will become effective on July 1, 2012.

Table 11: States explicitly allowing for anonymous reporting of bullying incidents	
Provisions requiring school districts to allow for anonymous reporting of bullying incidents	
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: (1) Enable students to anonymously report acts of bullying to school employees and require students and the parents or guardians of students to be notified annually of the process by which students may make such reports, . . . (5) require the safe school climate specialist to review any anonymous reports, except that no disciplinary action shall be taken solely on the basis of an anonymous report" C.G.S.A. § 10-222d(b).
Florida	"The school district policy must contain, at a minimum, the following components: . . . (f) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report." West's F.S.A. § 1006.147(4).
Massachusetts	"Each plan shall include, but not be limited to: . . . (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report" M.G.L.A. 71 § 370(d).
New Jersey	"[T]he policy shall contain, at a minimum, the following components: . . . (5) a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report." N.J.S.A. 18A:37-15.b.
North Carolina	"The policy shall contain, at a minimum, the following components: . . . (5) A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report." N.C.G.S.A. § 115C-407.16(b).
North Dakota	"The policy required by this section must: . . . b. Establish procedures for reporting and documenting alleged acts of bullying, reprisal, or retaliation, and include procedures for anonymous reporting of such acts" NDCC, 15.1-19-18.2.
Oregon	"School districts must include in the policy: . . . (g) A procedure that is uniform through-out the school district for reporting an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph shall identify by job title the school officials responsible for receiving such a report at a school and shall allow a person to report an act of harassment, intimidation or bullying or an act of cyberbullying anonymously. Nothing in this paragraph may be construed to permit formal disciplinary action solely on the basis of an anonymous report." O.R.S. § 339.356(2).
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: . . . (3) A provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report" Gen. Laws 1956, § 16-21-34(a).
South Carolina	"The policy must include, but not be limited to, the following components: . . . (5) procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report." Code 1976 § 59-63-140(B).
Tennessee	"School districts shall include in the policies: . . . (5) A procedure for reporting an act of harassment, intimidation, bullying or cyber-bullying, including a provision that permits a person to report an act of harassment, intimidation, bullying or cyber-bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report" T.C.A. § 49-6-1016(b).
Wyoming	"The policy prohibiting harassment, intimidation or bullying shall include, without limitation: . . . (iv) Procedures for reporting and documenting acts of harassment, intimidation or bullying, including a provision for reporting anonymously. However, formal disciplinary action shall not be taken solely

	on the basis of an anonymous report.” W.S.1977 § 21-4-314(b).
Provisions requiring school districts to allow for anonymous reporting of bullying incidents included in non-mandatory model policies	
Georgia	“Such model policy shall include: . . . (5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity” Ga. Code Ann., § 20-2-751.4(c).

Table 12: 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 § 37O.
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).

Table 13: 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."

	I.C. § 33-205.
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 Illinois 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]
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 § 37O.
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).
Pennsylvania	"The [bullying] policy shall delineate disciplinary consequences for bullying" 24 P.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).

* West's Ann. Cal. Educ. Code § 48900, as presented in the table, will become effective on July 1, 2012.

Table 13A: 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).

Table 13B: Age-Appropriate consequences and interventions
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States containing language about age-appropriate consequences	
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 . . .” Ark. Code Ann. § 6-18-514(e)(2).
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 . . .” “(2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section. If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be not limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.” Ga. Code Ann., § 20-2-751.4.
Missouri	“3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age-appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.” Mo. Rev. Stat. § 160.775 (2011).
States requiring that professional development teach developmentally appropriate intervention and prevention strategies	
Massachusetts	“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...” Mass. Gen. Laws Ann. Ch. 71 § 370 (2011).
Connecticut	“Sec. 6. (Effective July 1, 2011) The Department of Education shall provide, within available appropriations, annual training to school employees...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 . . .” Conn. Gen. Stat. 232,§6 (2011).

Table 14: 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, 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.
States modifying existing criminal laws	
Georgia	“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.
Kentucky	“(1) A person is guilty of harassment when, with intent to intimidate, harass, annoy, or alarm

	another person, he or she: (a) Strikes, shoves, kicks, or otherwise subjects him to physical contact; (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; (c) In a public place, makes an offensively coarse utterance, gesture, or display, or addresses abusive language to any person present; (d) Follows a person in or about a public place or places; (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event: 1. Damages or commits a theft of the property of another student; 2. Substantially disrupts the operation of the school; or 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment. (2) (a) Except as provided in paragraph (b) of this subsection, harassment is a violation. (b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor." KRS § 525.070. "(1) A person is guilty of harassing communications when, with intent to intimidate, harass, annoy, or alarm another person, he or she: (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication; (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication. (2) Harassing communications is a Class B misdemeanor." KRS § 525.080.
Massachusetts	"(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 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-
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	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 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
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	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 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.
Nevada	"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.

Table 15: States that envision providing counseling or other support services as a response to bullying	
Provisions requiring counseling or other support services, or referrals to such services, as a response to bullying	
Arizona	"The governing board shall: . . . 37. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops, at school sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists that include the following components: . . . (c) A requirement that, at the beginning of each school year, school officials provide all pupils with a written copy of the rights, protections and support services available to a pupil who is an alleged victim of an incident reported pursuant to this paragraph. (d) If an incident is reported pursuant to this paragraph, a requirement that school officials provide a pupil who is an alleged victim of the incident with a written copy of the rights, protections and support services available to that pupil." A.R.S. § 15-341.A.
California*	"The Superintendent shall post, and annually update, on his or her Internet Web site and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and their families." West's Ann. Cal. Educ. Code § 234.5. "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. . . . (v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section." West's Ann. Cal. Educ. Code § 48900.
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).
Florida	"The school district policy must contain, at a minimum, the following components: . . . (j) A procedure to refer victims and perpetrators of bullying or harassment for counseling." West's F.S.A. § 1006.147(4).
Louisiana	"The purpose of this Title is to define self-destructive behaviors by the child and conduct by other family members which contribute to the child's harm and which warrant court intervention in the family's life so that appropriate services to remedy the family's dysfunction can be secured; to secure the effectiveness of the court's intervention by explicitly confirming its duty to obtain the cooperation and coordination of all public institutions or agencies having responsibility to supply services to any member of the family referred to the court; to establish a family service plan binding upon all family members and the appropriate service providers; and to protect the integrity of the family by authorizing adjudication and the imposition of a dispositional judgment requiring participation in a plan of services only after all available voluntary alternatives have been exhausted." LSA-Ch. C. Art. 726. "Allegations that a family is in need of services must assert one or more of the following grounds: . . . (11) A child found to have engaged in cyberbullying." LSA-Ch. C. Art. 730.
Maryland	"(b)(1) By March 31, 2009, the State Board, after consultation with and input from local school systems, shall develop a model policy prohibiting bullying, harassment, or intimidation in schools. (2) The model policy developed under paragraph (1) of this subsection shall include: . . . (viii) Information about the types of support services available to the student bully, victim, and any bystanders (c)(1) Each county board shall establish a policy prohibiting bullying, harassment, or intimidation at

	school based on the model policy. (2) The policy shall address the components of the model policy specified in subsection (b)(2) of this section.” MD Code, Education, § 7-424.1.
Massachusetts	“Each plan shall include, but not be limited to: . . . (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students.” M.G.L.A. 71 § 370(d).
New Hampshire	“The policy shall contain, at a minimum, the following components: . . . (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.” N.H. Rev. Stat. § 193-F:4.II.
New Jersey	“A school district shall have local control over the content of the policy, except that the policy shall contain, at a minimum, the following components: . . . (5) . . . The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. (6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that: . . . (b) . . . the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action . . . (7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs, as defined by the commissioner . . . ” N.J.S.A. 18A:37-15.b.
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: . . . 3. Guidelines relating to the development of nondiscriminatory instructional and counseling methods . . . ” McKinney's Education Law § 13.
Oklahoma	“The [harassment, intimidation, and bullying] policy shall: . . . 4. Establish a procedure whereby, upon completing an investigation pursuant to paragraph 3 of this subsection, a school may recommend that available community mental health care options be provided to the student, if appropriate; and 5. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health care pursuant to paragraph 4 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.” 70 Okl. St. Ann. § 24-100.4.A.
Rhode Island	“The statewide [bullying] policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following: . . . (10) A strategy for providing counseling or referral to appropriate services currently being offered by schools or communities for perpetrators and victims and for appropriate family members of said students.” Gen. Laws 1956, § 16-21-34(a).
Tennessee	“Each [local education agency (LEA)] shall adopt a comprehensive district-wide school safety plan and building-level school safety plans regarding crisis intervention, emergency response and emergency management. The plans shall be developed by a district-wide school safety team and a building-level school safety team established pursuant to this part and shall follow the template developed by the state-level safety team.” T.C.A. § 49-6-804. “At a minimum, the template prepared by the state-level safety team shall include: . . . (6)

	Appropriate violence prevention and intervention strategies such as: . . . (F) Comprehensive school counseling and mental health programs . . .” T.C.A. § 49-6-805.
Texas	“The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that: . . . (5) sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying . . .” V.T.C.A., Education Code § 37.0832(c).
Provisions recommending or encouraging counseling or other support services, or referrals to such services, as a response to bullying	
Georgia	“No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. 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(c).
Pennsylvania	“[T]he office [for safe schools] is authorized to make targeted grants to school entities to fund programs which address school violence, including: . . . (12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.” 24 P.S. § 13-1302-A(c).

* West's Ann. Cal. Educ. Code §§ 234.5 & 48900, and McKinney's Education Law § 13, as presented in the table, will become effective on July 1, 2012.

Table 16: States requiring reporting of bullying incidents or statistics summarizing such incidents to the state department of education or similar entity, or to local school districts

Provisions requiring reporting of bullying incidents or statistics summarizing such incidents to the state department of education or similar entity

Alabama	"Each school shall do all of the following: . . . (4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website." Ala. Code 1975 § 16-28B-6.
Alaska	"Beginning with the 2007--2008 school year, each school district shall report to the department by November 30 all incidents resulting in suspension or expulsion for harassment, intimidation, or bullying on school premises or on transportation systems used by schools in the school year preceding the report. The department shall compile the data and report it to the appropriate committees of the Alaska House of Representatives and the Senate." AS § 14.33.210.
Colorado	"A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year: . . . (G) Behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying, as described by subparagraph (X) of paragraph (a) of this subsection (2), and other behavior that creates a threat of physical harm to the student or to other students . . ." C.R.S.A. § 22-32-109.1(2)(b)(IV)(G).
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: . . . (10) establish a procedure for each school to document and maintain records relating to reports and investigations of bullying in such school and to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and annually report such number to the Department of Education, and in such manner as prescribed by the Commissioner of Education . . ." 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: . . . k. A requirement that all bullying incidents be reported to the Department of Education within 5 working days pursuant to Department of Education regulations." 14 Del. C. § 4112D(b)(2).
Florida	"The school district policy must contain, at a minimum, the following components: . . . (k) A procedure for including incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports." West's F.S.A. § 1006.147(4).
Kentucky	"The Kentucky Department of Education shall: . . . (b) Establish and maintain a statewide data collection system by which school districts shall report by sex, race, and grade level: 1. . . . d. All incidents in which a student has been disciplined by the school for a serious incident, including the nature of the discipline, or charged criminally for conduct constituting a violation of any offense specified in KRS Chapter 508; KRS 525.070 [(harassment)] occurring on school premises, on school-

	sponsored transportation, or at school functions; or KRS 525.080 [(harassing communications)]” KRS § 158.444(2).
Louisiana	“(a) The state Department of Education shall develop a behavior incidence checklist that the governing authority of each public elementary and secondary school shall use to document the details of each reported incident of harassment, intimidation, and bullying, including cyberbullying. (b) The governing authority of each public elementary and secondary school shall report all such documented incidences of harassment, intimidation, and bullying, including cyberbullying, to the Department of Education as prescribed in rules adopted by the State Board of Elementary and Secondary Education in accordance with the Administrative Procedure Act.” LSA-R.S. 17:416.13.D(3).
Maryland	“Mandatory reporting of bullying, harassment, or intimidation of students (b)(1) The Department shall require a county board to report incidents of bullying, harassment, or intimidation against students attending a public school under the jurisdiction of the county board. . . . Standard report form (c)(1) The Department shall create a standard victim of bullying, harassment, or intimidation report form. (2) Each victim of bullying, harassment, or intimidation report form shall: (i) Identify the victim and the alleged perpetrator, if known; (ii) Indicate the age of the victim and alleged perpetrator; (iii) Describe the incident, including alleged statements made by the alleged perpetrator; (iv) Indicate the location of the incident; (v) Identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury; (vi) Indicate the number of days a student is absent from school, if any, as a result of the incident; (vii) Identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered; and (viii) Include instructions on how to fill out the form and the mailing address to where the form shall be sent. (3) A county board shall distribute copies of the victim of bullying, harassment, or intimidation report form to each public school under the county board's jurisdiction. Report form summaries (d)(1) Each county board shall submit summaries of report forms filed with the county board to the State Board on or before January 31 each year. (2) A county board shall delete any information that identifies an individual.” MD Code, Education, § 7-424.
Nevada	“The State Board shall prepare an annual report of accountability that includes, without limitation: . . . (hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.” N.R.S. 385.3469.1. “The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning: . . . (ee) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.” N.R.S. 385.347.2.
New Hampshire	“The policy shall contain, at a minimum, the following components: . . . (I) A requirement that the principal or designee report all substantiated incidents of bullying or cyberbullying to the superintendent or designee.” N.H. Rev. Stat. § 193-F:4.II. “Each school district and chartered public school shall annually report substantiated incidents of bullying or cyberbullying to the department of education. Pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, such reports shall not contain any personally identifiable information pertaining to any pupil. The department shall develop a form to facilitate the reporting by school districts and chartered public schools. The department shall maintain records of such reports.” N.H. Rev. Stat. § 193-F:6.I.

New Jersey	“Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence , vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c. 83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c. 83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release. The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L.2002, c. 83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The commissioner shall promulgate guidelines for a program to grade schools for the purposes of this section. The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.” N.J.S.A. 18A:17-46. “[T]he policy shall contain, at a minimum, the following components: . . . (6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that: . . . (c) the results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent . . .” N.J.S.A. 18A:37-15.b.
New York*	“The commissioner shall create a procedure under which material incidents of discrimination and harassment on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of discrimination or harassment, provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system. In addition the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article.” McKinney's Education Law § 15.
Pennsylvania	“Each chief school administrator shall report to the office [for safe schools] by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as ‘The Controlled Substance, Drug, Device and Cosmetic Act,’ or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include: (1) Age or grade of student. (2) Name and address of school. (3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity. (3.1) Race of student. (3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.

	(4) Sanction imposed by the school. (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). . . (5) Notification of law enforcement. (6) Remedial programs involved. (7) Parental involvement required. (8) Arrests, convictions and adjudications, if known.” 24 P.S. § 13-1303-A(b) (footnote omitted).
Vermont	“The state board shall have supervision over, and management of the department of education and the public school system, except as otherwise provided; and shall: . . . (17) Report annually on the condition of education statewide and on a school by school basis. The report shall include information on attainment of standards for student performance adopted under subdivision 164(9) of this section, number and types of complaints of harassment or hazing made pursuant to section 565 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school to determine its strengths and weaknesses. The commissioner shall use the information in the report in determining whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title.” 16 V.S.A. § 164.
West Virginia	“Each county board policy shall, at a minimum, include the following components: . . . (11) A requirement that each county board shall input into the uniform integrated regional computer information system (commonly known as the West Virginia Education Information System) described in section twenty-six, article two of this chapter, and compile an annual report regarding the means of harassment, intimidation or bullying that have been reported to them, and the reasons therefor, if known. The West Virginia Department of Education shall compile the information and report it annually beginning July 1, 2012, to the Legislative Oversight Committee on Education Accountability.” W. Va. Code, § 18-2C-3(b).
Provisions requiring reporting of bullying incidents or statistics summarizing such incidents to the local school district	
Iowa	“6. Collection requirement. The board of directors of a school district and the authorities in charge of each nonpublic school shall develop and maintain a system to collect harassment and bullying incidence data. 7. Integration of policy and reporting. The board of directors of a school district and the authorities in charge of each nonpublic school shall integrate its antiharassment and antibullying policy into the comprehensive school improvement plan required under section 256.7, subsection 21, and shall report data collected under subsection 6, as specified by the department, to the local community.” I.C.A. § 280.28.
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).
Ohio	“The policy shall include the following: . . . (10) A requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the ‘Family Educational Rights and Privacy Act of 1974,’ 88 Stat. 571, 20 U.S.C. 1232q, as amended.” R.C. § 3313.666(B).

* McKinney's Education Law § 15, as presented in the table, will become effective on July 1, 2012.

Table 17: States requiring that the department of education or similar body have access to the school districts' bullying policies, so as to enable review of local policies

Provisions explicitly contemplating periodic review of local school district policies	
Delaware	"(1) Each school district and charter school shall adopt the policy consistent with subsection (b) of this section and submit a copy to the Delaware Department of Education by January 1, 2008. . . . (3) The policy shall be submitted to the Delaware Department of Education by January 1 of each subsequent year. The Department shall review such policy annually for compliance with state and federal law and regulations promulgated by the Department of Education." 14 Del. C. § 4112D(c).
Illinois	"The [bullying] policy must be updated every 2 years and filed with the State Board of Education after being updated. The State Board of Education shall monitor the implementation of policies created under this subsection (d)." 105 ILCS 5/27-23.7(d).
Massachusetts	"The department of elementary and secondary education shall periodically review school districts, charter schools, approved private day or residential schools and collaborative schools to determine whether the districts and schools are in compliance with this act." 2010 Mass. Legis. Serv. Ch. 92 (S.B. 2404), § 13.
Nevada	"The board of trustees of each school district shall: . . . 5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update." N.R.S. 388.134.
New Jersey	"A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003. A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision. The first revised policy following the effective date of P. L.2010, c. 122 (C.18A:37-13.1 et al.) shall be transmitted to the executive county superintendent of schools by September 1, 2011." N.J.S.A. 18A:37-15.c.
North Dakota	"4. Upon completion of the policy required by this section, a school district shall: . . . b. File a copy of the policy with the superintendent of public instruction 5. Each school district shall review and revise its policy as it determines necessary and shall file a copy of the revised policy with the superintendent of public instruction." NDCC, 15.1-19-18.
Pennsylvania	"Each school entity shall review its policy every three (3) years and annually provide the office [for safe schools] with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A(b)." 24 P.S. § 13-1303.1-A(c).
Washington	"Each school district shall by August 15, 2011, provide to the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials to be posted on the school safety center web site, and shall also provide the superintendent with a link to the school district's web site for further information. The district's primary contact for bullying and harassment issues shall annually by August 15th verify posted information and links and notify the school safety center of any updates or changes." West's RCWA 28A.300.285(4)(c).
Provisions contemplating at most one-time review of local school district policies	
Arkansas	"(1) The school district shall file with the Department of Education a copy of the [antibullying] policies adopted in compliance with this section. (2) The State Board of Education shall review the policies provided by the school districts and may recommend changes or improvements to the districts if the state board determines that the policies need improvement." A.C.A. § 6-18-514(i).
California*	"The department shall assess whether local educational agencies have done all of the following: (a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying" West's Ann. Cal. Educ. Code § 234.1.

	"In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval." West's Ann. Cal. Educ. Code § 32288(a).
Connecticut	"Not later than January 1, 2012, each local and regional board of education shall approve the safe school climate plan developed pursuant to this section and submit such plan to the Department of Education." C.G.S.A. § 10-222d(c).
Florida	"Distribution of safe schools funds to a school district provided in the 2009-2010 General Appropriations Act is contingent upon and payable to the school district upon the Department of Education's approval of the school district's bullying and harassment policy. The department's approval of each school district's bullying and harassment policy shall be granted upon certification by the department that the school district's policy has been submitted to the department and is in substantial conformity with the department's model bullying and harassment policy as mandated in subsection (5)." West's F.S.A. § 1006.147(8).
Georgia	"Any school system which is not in compliance with the [bullying policy] requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260." Ga. Code Ann., § 20-2-751.4(g).
Hawaii	"The board of education shall establish reporting requirements for the department of education to report to the board of education on the department of education's compliance with any department of education administrative rules or statutes governing bullying, cyberbullying, and harassment." 2011 Hawaii Laws Act 214 (H.B. 688), § 1(b).
Louisiana	"By not later than August 1, 1999, each city, parish, and other local public school board shall adopt a student code of conduct for the students in its school system. Such code of conduct shall be in compliance with all existing rules, regulations, and policies of the board and of the State Board of Elementary and Secondary Education and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken against any student who violates the code of conduct." LSA-R.S. 17:416.13.A.
Maryland	"Each county board shall submit its [bullying, harassment, and intimidation] policy to the State Superintendent by July 1, 2009." MD Code, Education, § 7-424.1(f).
Michigan	"(2) Subject to subsection (3), before adopting the policy required under subsection (1), the board or board of directors shall hold at least 1 public hearing on the proposed policy. This public hearing may be held as part of a regular board meeting. Subject to subsection (3), not later than 30 days after adopting the policy, the board or board of directors shall submit a copy of its policy to the department. (3) If, as of the effective date of this section, a school district, intermediate school district, or public school academy has already adopted and implemented an existing policy prohibiting bullying at school and that policy is in compliance with subsection (5), the board of the school district or intermediate school district or board of directors of the public school academy is not required to adopt and implement a new policy under subsection (1). However, this subsection applies to a school district, intermediate school district, or public school academy described in this subsection only if the board or board of directors submits a copy of its policy to the department not later than 60 days after the effective date of this section. (4) Not later than 1 year after the deadline under subsection (2) for districts and public school academies to submit copies of their policies to the department, the department shall submit a report to the senate and house standing committees on education summarizing the status of the implementation of policies under this section." M.C.L.A. 380.1310b.
Oklahoma	"The State Board of Education shall promulgate rules for monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section." 70 Okl. St. Ann. § 24-100.4.D.
Tennessee	"Each [Local Education Agency (LEA)] shall adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying and transmit a copy of the policy to the commissioner of education by January 1, 2006." T.C.A. § 49-6-1017.
West Virginia	"Each county board shall adopt the policy and submit a copy to the State Superintendent of Schools

	by December 1, 2011.” W. Va. Code, § 18-2C-3(c).
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- West’s Ann. Cal. Educ. Code § 234.1, as presented in the table, will become effective on July 1, 2012.

Table 18: States involving students in the process of developing bullying policies
States requiring student involvement

Alaska	"The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives." AS § 14.33.200(b).
Colorado	"In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect . . ." C.R.S.A. § 22-32-109.1(2).
Delaware	"Each school district and charter school shall establish a policy which, at a minimum, includes the following components: . . . d. A requirement that each school establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program. A majority of the members of the site-based committee shall be members of the school professional staff, of which a majority shall be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for school enrolling students in grades 7 through 12), parents and staff from the before- or after-school program or programs. These representatives shall be chosen by members of each respective group except that representatives of the nonemployee groups shall be appointed by the school principal. The committee shall operate on a 1-person, 1-vote principle." 14 Del. C. § 4112D(b)(2).
Florida	"The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy." West's F.S.A. § 1006.147(4).
Maine	"With input from educators, administrators, parents, students and community members, they shall adopt a district-wide student code of conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The student code of conduct must: . . . H. Establish policies and procedures to address bullying, harassment and sexual harassment." 20-A M.R.S.A. § 1001.15.
Maryland	"A county board shall develop the policy in consultation with representatives of the following groups: (i) Parents or guardians of students; (ii) School employees and administrators; (iii) School volunteers; (iv) Students; and (v) Members of the community." MD Code, Education, § 7-424.1(c)(3).
Massachusetts	"Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians." M.G.L.A. 71 § 370(d).
New Hampshire	"A school board or board of trustees of a chartered public school shall, to the greatest extent practicable, involve pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy." N.H. Rev. Stat. § 193-F:4.IV.
New Jersey	"The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives." N.J.S.A. 18A:37-15.a.
North Dakota	"In developing the bullying policy required by this section, a school district shall involve parents, school district employees, volunteers, students, school district administrators, law enforcement personnel, domestic violence sexual assault organizations as defined by subsection 3 of section 14-07.1-01, and community representatives." NDCC, 15.1-19-18.3.
Ohio	"The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members." R.C. § 3313.666(B).
Oklahoma	"In developing the policy, the district board of education shall make an effort to involve the teachers, parents, and students affected." 70 Okl. St. Ann. § 24-100.4.A.
South Carolina	"The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy." Code 1976 §

	59-63-140(A).
Utah	"The policy shall: (a) be developed only with input from: (i) students; (ii) parents; (iii) teachers; (iv) school administrators; (v) school staff; or (vi) local law enforcement agencies" U.C.A. 1953 § 53A-11a-301(2).
West Virginia	"The policy shall be adopted through a process that includes representation of parents or guardians, school employees, school volunteers, students and community members." W. Va. Code, § 18-2C-3(a).
Wyoming	"The school district shall involve parents and guardians, school employees, volunteers, students, administrators and community representatives in the process of creating the policy." W.S.1977 § 21-4-314(a).
States encouraging student involvement	
Oregon	"School districts are encouraged to develop the policy after consultation with parents, guardians, school employees, volunteers, students, administrators and community representatives." O.R.S. § 339.356(1).
Tennessee	"School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives." T.C.A. § 49-6-1016(a).

Table 19: 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: . . . (I) 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: (I) 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	"[I]t 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	"[T]he department shall do all of the following: . . . (b) Develop a model education and awareness program on bullying." W.S.A. 118.46(1).

Table 20: Character education, evidence-based best practices, and similar education provisions in state laws

States with statutory provisions requiring both character education and evidence-based best practices

Alabama	"Each school shall do all of the following: (1) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence. (2) Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur. (3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence." Ala. Code 1975 § 16-28B-6.
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States with statutory provisions requiring character education

Georgia	"The State Board of Education shall develop by the start of the 1997-1998 school year a comprehensive character education program for levels K-12. This comprehensive character education program shall be known as the 'character curriculum' and shall focus on the students' development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self-control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall also address, by the start of the 1999-2000 school year, methods of discouraging bullying and violent acts against fellow students. Local boards shall implement such a program in all grade levels at the beginning of the 2000-2001 school year and shall provide opportunities for parental involvement in establishing expected outcomes of the character education program." Ga. Code Ann., § 20-2-145(a).
New Jersey	"The week beginning with the first Monday in October of each year is designated as a 'Week of Respect' in the State of New Jersey. School districts, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined in section 2 of P.L.2002, c. 83 (C.18A:37-14). Throughout the school year the school district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation, and bullying in accordance with the core curriculum content standards." N.J.S.A. 18A:37-29.
New York*	"The regents shall ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. The regents shall determine how to incorporate such component in existing curricula and the commissioner shall promulgate any regulations needed to carry out such determination of the regents. For the purposes of this section, 'tolerance,' 'respect for others' and 'dignity' shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes." McKinney's Education Law § 801-a. "1. Any school district in the state may provide, to pupils in grades kindergarten through twelve, instruction designed to promote the proper and safe use of the internet. 2. The commissioner shall provide technical assistance to assist in the development of curricula for such courses of study which shall be age appropriate and developed according to the needs and abilities of pupils at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the internet. 3. The commissioner shall develop age-appropriate resources and technical assistance for schools to provide to students in grades three through twelve and their parents or legal guardians concerning the safe and responsible use of the internet. The resources shall include, but not be limited to,

	information regarding how child predators may use the internet to lure and exploit children, protecting personal information, internet scams and cyber-bullying.” McKinney's Education Law § 814.
Virginia	“A. Each school board shall establish, within its existing programs, a character education program in its schools. The purpose of the character education program shall be to instill in students civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems, and develop civic-minded students of high character. The components of each program shall be developed in cooperation with the students, their parents, and the community at large. The basic character traits taught may include (i) trustworthiness, including honesty, integrity, reliability, and loyalty; (ii) respect, including the precepts of the Golden Rule, tolerance, and courtesy; (iii) responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance, and self-control; (iv) fairness, including justice, consequences of bad behavior, principles of nondiscrimination, and freedom from prejudice; (v) caring, including kindness, empathy, compassion, consideration, generosity, and charity; and (vi) citizenship, including patriotism, the Pledge of Allegiance, respect for the American flag, concern for the common good, respect for authority and the law, and community-mindedness. Classroom instruction may be used to supplement a character education program; however, each program shall be interwoven into the school procedures and environment and structured to instruct primarily through example, illustration, and participation, in such a way as to complement the Standards of Learning. The program shall also address the inappropriateness of bullying, as defined in the Student Conduct Policy Guidelines adopted by the Board of Education pursuant to § 22.1-279.6. This provision is intended to educate students regarding those core civic values and virtues which are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in § 1-500, may be taught as representative of such civic values. Nothing herein shall be construed as requiring or authorizing the indoctrination in any particular religious or political belief. B. The Board of Education shall establish criteria for character education programs, consistent with the provisions of this section. To assist school divisions in implementing character education programs and practices that are designed to promote the development of personal qualities as set forth in this section and the Standards of Quality and that will improve family and community involvement in the public schools, the Board of Education shall also establish, within the Department of Education, the Commonwealth Character Initiative. The Board shall provide resources and technical assistance to school divisions regarding successful character education programs and shall (i) identify and analyze effective character education programs and practices and (ii) collect and disseminate among school divisions information regarding such programs and practices and potential funding and support sources. The Board may also provide resources supporting professional development for administrators and teachers in the delivery of any character education programs. C. The Board of Education shall award, with such funds as are appropriated for this purpose, grants to school boards for the implementation of innovative character education programs.” VA Code Ann. § 22.1-208.01.
States with statutory provisions requiring evidence-based best practices, sometimes including positive behavior intervention and supports	
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, (1) implementation of a positive behavioral interventions and supports process

	or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the Department of Education, (2) school rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts, (3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur, (4) inclusion of grade-appropriate bullying education and prevention curricula in kindergarten through high school, (5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees, (6) school-wide training related to safe school climate, (7) student peer training, education and support, and (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.
Massachusetts	“(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based. . . . (j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: . . . (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. . . . 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. “The department of elementary and secondary education shall publish guidelines for the implementation of social and emotional learning curricula in kindergarten to grade 12, inclusive, on or before June 30, 2011. The guidelines shall be updated biennially. For purposes of this section, social and emotional learning shall mean the processes by which children acquire the knowledge, attitudes and skills necessary to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and constructively handle challenging social situations.” 2010 Mass. Legis. Serv. Ch. 92 (S.B. 2404), § 16.
Mississippi	“The State Board of Education shall develop a list of recommended conflict resolution and mediation materials, models and curricula that are developed from evidence-based practices and positive behavioral intervention supports to address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation, and shall make the list available to local school administrative units and school buildings before the beginning of the 2007-2008 school year. In addition, local school boards shall incorporate evidence-based practices and positive behavioral intervention supports into individual school district policies and Codes of Conduct. In developing this list, the board shall emphasize materials, models and curricula that currently are being used in Mississippi and that the board determines to be effective. The board shall include at least one (1) model that includes instruction and guidance for the voluntary implementation of peer mediation programs and one (1) model that provides instruction and guidance for teachers concerning the integration of conflict resolution and mediation lessons into the existing classroom curriculum.” Miss. Code Ann. § 37-11-54.
New Hampshire	“I. 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. II. The department of education shall provide evidence-based educational programs to support training as required under paragraph I.” N.H. Rev. Stat. § 193-F:4.
Texas	“In addition to any other essential knowledge and skills the State Board of Education adopts for the health curriculum under Subsection (a)(2)(B), the board shall adopt for the health curriculum, in consultation with the Texas School Safety Center, essential knowledge and skills that include evidence-based practices that will effectively address awareness, prevention, identification, self-

	defense in response to, and resolution of and intervention in bullying and harassment.” V.T.C.A., Education Code § 28.002(s). “(a) The [Texas school safety] center, in cooperation with the attorney general, shall develop a program that provides instruction concerning Internet safety, including instruction relating to: . . . (3) the prevention, detection, and reporting of bullying or threats occurring over the Internet. . . . (c) The center shall make the program available to public schools.” V.T.C.A., Education Code § 37.217.
States with statutory provisions recommending or encouraging character education	
Minnesota	“The legislature encourages districts to integrate or offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness. Instruction should be integrated into a district's existing programs, curriculum, or the general school environment. The commissioner shall provide assistance at the request of a district to develop character education curriculum and programs.” M.S.A. § 120B.232.1. “The commissioner shall maintain and make available to school boards a model sexual, religious, and racial harassment and violence policy. The model policy shall address the requirements of subdivision 2, and may encourage violence prevention and character development education programs, consistent with section 120B.232, subdivision 1, to prevent and reduce policy violations.” M.S.A. § 121A.03.1.
States with statutory provisions recommending or encouraging evidence-based best practices, sometimes including positive behavior intervention and supports	
Colorado	“[T]he state board shall promulgate rules for the administration of this article, including but not limited to: . . . (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: (I) Use awarded grant moneys for purposes that are based upon evidence-based best practices for preventing bullying” C.R.S.A. § 22-93-104(1).
Pennsylvania	“‘School-wide positive behavior support’ means a school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promote a climate of greater productivity, safety and learning.” 24 P.S. § 13-1301-A. “(c) . . . [T]he office [for safe schools] is authorized to make targeted grants to school entities to fund programs which address school violence, including: (1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.” 24 P.S. § 13-1302-A. “The [bullying] policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs” 24 P.S. § 13-1303.1-A(a).

* McKinney's Education Law § 801-a, as presented in the table, will become effective on July 1, 2012.

Table 21: Bullying prevention programs in state laws with no other bullying education provisions	
States with statutory provisions requiring bullying prevention programs	
Arkansas	"It is the intent of the General Assembly to articulate the functions served by each of the components of a program of student services. It is further the intent of the General Assembly that each school district develop and implement a plan for providing student services to all students in the public school system, including area vocational-technical schools." A.C.A. § 6-18-1002. "Each school district shall develop and implement a plan that ensures that individual student services are coordinated in a manner utilizing such techniques as differentiated staffing so as to make maximum use of the contribution of each service." A.C.A. § 6-18-1004(a)(1). "'Student services program' means a coordinated effort, which shall include, but is not limited to: . . . (5) Group conflict resolution services, which shall include, but are not limited to, the following: (A) Educational and social programs that help students develop skills enabling them to resolve differences and conflicts between groups; (B) Programs designed to promote understanding, positive communication, and greater utilization of a race relations specialist or human relations specialist to assist in the development of intergroup skills; and (C) Programs designed to prevent bullying" A.C.A. § 6-18-1005(a).
Delaware	"Each school district and charter school shall establish a policy which, at a minimum, includes the following components: . . . c. Direction to develop a school-wide bullying prevention program. d. A requirement that each school establish a site-based committee that is responsible for coordinating the school's bully prevention program including the design, approval and monitoring of the program. A majority of the members of the site-based committee shall be members of the school professional staff, of which a majority shall be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body (for school enrolling students in grades 7 through 12), parents and staff from the before- or after-school program or programs. These representatives shall be chosen by members of each respective group except that representatives of the nonemployee groups shall be appointed by the school principal. The committee shall operate on a 1-person, 1-vote principle. In the event a site-based school discipline committee has been established pursuant to § 1605(7)a. and b. of this title, that committee shall vote whether or not to accept the aforementioned responsibilities. . . . n. A requirement that the school bullying prevention program be implemented throughout the year, and integrated with the school's discipline policies and § 4112 of this title." 14 Del. C. § 4112D(b).
Iowa	"The board of directors of each public school district and the authorities in charge of each nonpublic school shall do the following: . . . 2. Utilize the recommendations from the school improvement advisory committee to determine the following: . . . f. Harassment or bullying prevention goals, programs, training, and other initiatives." I.C.A. § 280.12.
New Mexico	"The department shall establish guidelines for bullying prevention policies to be promulgated by local school boards. Every local school board shall promulgate a bullying prevention policy by August 2011. Every public school shall implement a bullying prevention program by August 2012." N.M.S.A. 1978, § 22-2-21.
North Carolina	"Schools shall develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior." N.C.G.S.A. § 115C-407.17.
Vermont	"The board shall use its discretion in developing and initiating age-appropriate programs to effectively inform students about the substance of the policy and procedures in order to help prevent harassment, and hazing." 16 V.S.A. § 565(d).
States with statutory provisions recommending or encouraging bullying prevention programs	
California	"As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying." West's Ann. Cal. Educ. Code § 32282(f).
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.
West	"Schools and county boards are encouraged, but not required, to form bullying prevention task forces,

Virginia	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).

Table 22: Provisions for professional development and training on bullying	
States requiring professional development or training on bullying prevention	
Alabama	“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.
Connecticut	“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.
Delaware	“(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.
Florida	“The school district policy must contain, at a minimum, the following components: . . . (I) 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.
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; 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. . . . (j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: . . . (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. . . . The resources 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. “The department of elementary and secondary education shall issue a report detailing cost-effective ways to implement the professional development requirements in subsection (d) of section 37O of chapter 71 of the General Laws; provided, further, that the report shall: (i) include an option available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools; (ii) explore the feasibility of an option for a “train-the-trainer” model, so-called, with demonstrated success and an option for online professional development; and (iii) include any other options which may be cost effective; provided, further, that the report shall include a cost estimate for the professional development; and provided, further, that the report

	shall be provided to the clerks of the senate and house of representatives not later than August 31, 2010; and provided, further, that the clerks of the senate and house of representatives shall forward the report to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education.” 2010 Mass. Legis. Serv. Ch. 92 (S.B. 2404), § 14.
Nevada	“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: (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.

New Hampshire	"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.
New Jersey	"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 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 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).
States recommending or encouraging training or professional development on bullying prevention	
California	"It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including bullying committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment." West's Ann. Cal. Educ. Code § 32261(d). "There is hereby established the School/Law Enforcement Partnership, comprised of the Superintendent of Public Instruction and the Attorney General. The duties of the partnership shall consist of all of the following: . . . (2) The administration of safe school programs and all training, procedures, and activities conducted pursuant to this chapter." West's Ann. Cal. Educ. Code § 32262(a). "(a) The partnership shall establish a statewide school safety cadre for the purpose of facilitating interagency coordination and collaboration among school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies to improve school attendance, encourage good citizenship, and to reduce school violence, school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy rates, bullying, including acts that are committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment. (b) The partnership may appoint up to 100 professionals from educational agencies, community-based organizations, allied agencies, and law enforcement to the statewide cadre. (c) The partnership shall provide training to the statewide cadre representatives to enable them to initiate and maintain school community safety programs among school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies in each region." West's Ann. Cal. Educ. Code § 32270. "The partnership shall annually assess the programs and activities under the Interagency School Safety Demonstration Act of 1985. The assessment shall include, but not be limited to, all of the

	following: . . . (c) An assessment of the effectiveness of the ongoing training on safe schools and crisis response provided pursuant to subdivision (c) of Section 32270.” West’s Ann. Cal. Educ. Code § 32275. “The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety and crisis response plans, and provide training in the prevention of bullying as defined in subdivision (r) of Section 48900. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to the contracts. Implementation of this section shall be contingent upon the availability of funds in the annual Budget Act.” West’s Ann. Cal. Educ. Code § 32283.
Iowa	“The board of directors of a school district and the authorities in charge of each accredited nonpublic school are encouraged to establish programs designed to eliminate harassment and bullying in schools. To the extent that funds are available for these purposes, school districts and accredited nonpublic schools shall do the following: a. Provide training on antiharassment and antibullying policies to school employees and volunteers who have significant contact with students. b. Develop a process to provide school employees, volunteers, and students with the skills and knowledge to help reduce incidents of harassment and bullying.” I.C.A. § 280.28.4.
Michigan	“The legislature encourages a board or board of directors to include all of the following in the policy required under this section: . . . (b) A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying.” 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).
Texas	“The staff development: (1) may include training in: . . . (D) preventing, identifying, responding to, and reporting incidents of bullying” V.T.C.A., Education Code § 21.451(d).
Virginia	“The Board may also provide resources supporting professional development for administrators and teachers in the delivery of any character education programs.” VA Code Ann. § 22.1-208.01.B.
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 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).
States recommending or encouraging training or professional development on the school district's bullying policy	
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).

* West's Ann. Cal. Educ. Code § 32283, and McKinney's Education Law § 13, as presented in the table, will become effective on July 1, 2012.

Table 23: 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: . . . (I) 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 § 370(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.I.
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).

Table 24: State funding and bullying laws	
Appropriations provided for bullying prevention programs	
Indiana	“(a) The Indiana safe schools fund is established to do the following: (1) Promote school safety through the: (A) purchase of equipment for the detection of firearms and other weapons; (B) use of dogs trained to detect firearms, drugs, explosives, and illegal substances; and (C) purchase of other equipment and materials used to enhance the safety of schools. (2) Combat truancy. (3) Provide matching grants to schools for school safe haven programs. (4) Provide grants for school safety and safety plans. (5) Provide educational outreach and training to school personnel concerning: (A) the identification of; (B) the prevention of; and (C) intervention in; bullying. (b) The fund consists of amounts deposited: (1) under IC 33-37-9-4; and (2) from any other public or private source. (c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order: (1) A grant for a safety plan. (2) A safe haven grant requested under section 10 of this chapter. (3) A safe haven grant requested under section 7 of this chapter. (d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.” IC 5-2-10.1-2. “(a) The treasurer of state shall distribute semiannually one million two hundred eighty-eight thousand dollars (\$1,288,000) of the amounts transferred to the state fund under section 3 of this chapter as follows: . . . (8) Fifteen and fifty-three hundredths percent (15.53%) shall be deposited in the Indiana safe schools fund established by IC 5-2-10.1.” IC 33-37-9-4.
New Jersey	“There is created a special fund in the Department of Education, which shall be designated the ‘Bullying Prevention Fund.’ The fund shall be maintained in a separate account and administered by the commissioner to carry out the provisions of this act. The fund shall consist of: (1) any monies appropriated by the State for the purposes of the fund; (2) any monies donated for the purposes of the fund; and (3) all interest and investment earnings received on monies in the fund. The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates.” N.J.S.A. 18A:37-28.
New York*	“The commissioner shall: 1. Provide direction, which may include development of model policies and, to the extent possible, direct services, to school districts related to preventing discrimination and harassment and to fostering an environment in every school where all children can learn free of manifestations of bias; 2. Provide grants, from funds appropriated for such purpose, to local school districts to assist them in implementing the guidelines set forth in this section; and 3. Promulgate regulations to assist school districts in implementing this article including, but not limited to, regulations to assist school districts in developing measured, balanced, and age-appropriate responses to violations of this policy, with remedies and procedures focusing on intervention and education.” McKinney's Education Law § 14.
Pennsylvania	“(c) In addition to the powers and duties set forth under subsection (b), the office [for safe schools] is authorized to make targeted grants to school entities to fund programs which address school violence, including: (1) Conflict resolution or dispute management, including restorative justice strategies. (1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary

	supports and interventions in school entities. (1.2) School-based diversion programs. (2) Peer helpers programs. (3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies. (4) Classroom management. (5) Student codes of conduct. (6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students. (7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying. (8) Comprehensive, districtwide school safety and violence prevention plans. . . . (d) (1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include: (i) the purpose for which the targeted grant shall be utilized; (ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics; (iii) an estimated budget; (iv) methods for measuring outcomes; and (v) any other criteria as the office may require. (2) The office shall: (i) Give priority in grant funding to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions). (ii) Give priority in grant funding to school entities with the greatest need to establish safety and order. (iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school entities throughout this Commonwealth. (3) The office shall provide all targeted grant agreements to the Department of Education's comptroller for review and approval prior to awarding the grant. The school entity shall provide the office with full and complete access to all records relating to the performance of the grant, and shall submit, at such time and in such form as may be prescribed, truthful and accurate information that the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made. The office shall seek repayment of funds if it determines that funds were not utilized for the original stated purpose." 24 P.S. § 13-1302-A.
Tennessee	"A[local education agency (LEA)] may seek grant funding from the school safety center to assist with compliance with this part according to § 49-6-4302." T.C.A. § 49-6-811. "Each LEA shall ensure that the district-wide safety plans and building-level emergency response plans required by this part are developed in such a manner as to be consistent with the district's harassment and bullying policies developed pursuant to § 49-6-1016." T.C.A. § 49-6-812. "The legislative body of any county or municipality may appropriate funds for the purpose of providing resources for district-wide school safety plans, building-level school safety plans and district-wide school safety teams. Federal, state and local funds designated for such purposes may be used to provide funds for the purpose of providing resources for district-wide school safety plans, building-level school safety plans and district-wide school safety teams." T.C.A. § 49-6-813. "(1) The Tennessee school safety center, within the limit of appropriations for the center, may establish grants to LEAs for the development of innovative violence prevention programs, conflict resolution, disruptive or assaultive behavior management, improved school security, peer mediation and training for employees on the identification of possible perpetrators of school related violence. (2) The grants provided for in subdivision (c)(1) shall be distributed as follows: (A) Funding would be available to each LEA in the same percentage that the LEA's share of basic

	education program (BEP) funding bears to statewide BEP funding. (B) Funding would be subject to a twenty-five percent (25%) match by the LEA, adjusted for the LEA's fiscal capacity under the BEP formula. The match requirement could be satisfied by local or contributed funds or by personnel or other in-kind expenses assumed by the LEA. (C) State funding would also be subject to submission by the LEA to the school safety center of a proposed plan of expenditures to accomplish one (1) or more of the provisions specified in subdivision (c)(1) and approval of that plan by the center. The center should not unreasonably withhold funding, but should allow LEAs adequate flexibility to experiment so long as the basic requirements of this section are satisfied. (D) Any funds appropriated for this program in any fiscal year and not expended shall be carried forward for such purposes in future fiscal years. Any allocation for an LEA that is not applied for or is not successfully applied for in any fiscal year shall not be carried forward for the benefit of that LEA in subsequent fiscal years, but shall be carried forward for future expenditures under this program in future fiscal years." T.C.A. § 49-6-4302(c).
Virginia	"The Board of Education shall award, with such funds as are appropriated for this purpose, grants to school boards for the implementation of innovative character education programs." VA Code Ann. § 22.1-208.01.C.
Legislative intent to provide funding for bullying prevention programs	
California	"(a) It is the intent of the Legislature that all public schools with any combination of instructional settings from kindergarten to grade 7, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. It is further the intent of the Legislature to fund and coordinate the programs and activities carried out pursuant to the Interagency School Safety Demonstration Act of 1985 (Chapter 2.5 (commencing with Section 32260)), relating to safe school model programs; Article 5 (commencing with Section 32280) of Chapter 2.5 of Part 19, relating to the development of school safety plans; and Article 6 (commencing with Section 32296) of Chapter 2.5 of Part 19, relating to school community policing, in a cooperative and interactive effort to promote school safety and violence prevention in the public schools. (b) It is further the intent of the Legislature that the Superintendent of Public Instruction and the Attorney General shall utilize available resources to make every effort to coordinate activities and the distribution of resources to maximize their effective and efficient use in establishing and maintaining safe schools." West's Ann. Cal. Educ. Code § 35294.10.
Funding for discipline improvement and safe schools programs contingent on school districts' adoption of satisfactory bullying policies	
Delaware	"It is the purpose of this chapter to provide for the establishment of a statewide comprehensive program to improve student discipline in the public elementary and secondary schools of the State. The program shall provide for the treatment of pupils who are exhibiting discipline problems and for the establishment of services to school pupils which will reduce the rate and severity of discipline problems in the future. The program shall operate under the supervision and direction of the Department of Education." 14 Del. C. § 1601. "The General Assembly shall annually provide an appropriation for the operation of the Comprehensive School Discipline Improvement Program in the budget appropriation bill. From the funds appropriated, the Department may allocate funds to the public school districts for the financial support of various components of the program." 14 Del. C. § 1602; <i>see also</i> 14 Del. C. § 1603–1607. "In addition to the funds appropriated to school districts by other sections of this chapter, school districts shall be eligible to make application to the Department of Education for the development and implementation of school discipline improvement programs as specified in Chapter 16 of this title." 14 Del. C. § 1723. "Distribution of the Comprehensive School Discipline Improvement Program funds to a school district and charter school provided in the General Appropriations Act starting in fiscal year 2009 and thereafter is contingent upon Department of Education approval of the school district's or charter school's bullying prevention policy." 14 Del. C. § 4112D(d)(2).

Florida	"Distribution of safe schools funds to a school district provided in the 2009-2010 General Appropriations Act is contingent upon and payable to the school district upon the Department of Education's approval of the school district's bullying and harassment policy. The department's approval of each school district's bullying and harassment policy shall be granted upon certification by the department that the school district's policy has been submitted to the department and is in substantial conformity with the department's model bullying and harassment policy as mandated in subsection (5). Distribution of safe schools funds provided to a school district in fiscal year 2010-2011 and thereafter shall be contingent upon and payable to the school district upon the school district's compliance with all reporting procedures contained in this section." West's F.S.A. § 1006.147(8). "From the funds provided in Specific Appropriation 150, \$ 70,350,000 is provided for Safe Schools activities and shall be allocated as follows: 80% based on the latest official Florida Crime Index provided by the Department of Law Enforcement and 20% shall be based on each district's share of the state's total weighted student enrollment. The entire amount of a district's allocation of Safe Schools funds must be used for authorized Safe Schools activities. Those activities are (1) after school programs for middle school students, (2) other improvements to enhance the learning environment, and (3) alternative school programs for adjudicated youth. However, each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe School activity. Each district may choose to use none, some or all of its total allocation for a particular authorized activity." 1995 Fl. ALS 429.
Grant programs for bullying prevention created, but with funds expected to be from private donations only	
Colorado	"(1) There is hereby created in the department the school bullying prevention and education grant program. Under the program, on and after July 1, 2012, or not more than ninety days after the promulgation of rules by the state board pursuant to section 22-93-104, whichever is later, a public school, a facility school, or a collaborative group of public schools or facility schools may apply for a grant to fund efforts to reduce the frequency of bullying incidents. The department shall administer the program in consultation with the school safety resource center created in section 24-33.5-1803, C.R.S. (2) Notwithstanding any other provision of this article, the department shall not be required to implement the provisions of this article until sufficient moneys have been transferred or appropriated to the cash fund. (3) The department is hereby authorized to hire any employees necessary to carry out the duties associated with the provisions of this article. The creation of any new positions of employment within the department pursuant to this article shall be subject to the availability of sufficient moneys in the cash fund and shall be eliminated when sufficient moneys are no longer available in the cash fund. The department shall ensure that all position descriptions and notices to hire for positions created pursuant to this article clearly state that such positions are subject to the availability of sufficient moneys in the cash fund." C.R.S.A. § 22-93-102. "(1) The department shall solicit and review applications from public schools and facility schools for grants pursuant to this section. The department may award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years. (2) Each application, at a minimum, shall describe how the applicant public school, facility school, or collaborative group of public schools or facility schools will use any awarded grant moneys to reduce the frequency of bullying incidents. Each grant recipient shall use its grant moneys to supplement and not supplant any moneys currently being used by the grant recipient to reduce the frequency of bullying incidents. (3) The department shall select those public schools, facility schools, and collaborative groups of public schools and facility schools that will receive grants pursuant to this section and the duration and amount of each grant. In selecting the grant recipients, the department, at a minimum, shall take into account the criteria established by rules promulgated by the state board pursuant to section 22-93-104(1)(b). (4) On or before a date specified by rule of the state board pursuant to section 22-93-104(1)(d), the

	department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year: (a) The number of grant recipients that received grants under the program; (b) The amount of each grant awarded to each grant recipient; (c) The average amount of each grant awarded under the program; (d) The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and (e) The source and amount of each gift, grant, and donation received by the department for the implementation of this article pursuant to section 22-93-105(3)(b). (5) In selecting grant recipients, the department, to the extent possible, shall ensure that grants are awarded to public schools, facility schools, and collaborative groups of public schools and facility schools in a variety of geographic areas of the state. (6) Each grant recipient shall submit a written report to the department not later than six months after the expiration of the term of the grant concerning the effectiveness or ineffectiveness of each use of grant moneys by the grant recipient in reducing the frequency of bullying incidents.” C.R.S.A. § 22-93-103. “(1) On or before April 1, 2012, or not more than ninety days after the department receives sufficient moneys to implement this article as described in section 22-93-102(2), whichever is later, the state board shall promulgate rules for the administration of this article, including but not limited to: (a) Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants pursuant to this article; (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: (I) Use awarded grant moneys for purposes that are based upon evidence-based best practices for preventing bullying; (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; and (III) Adopt a specific policy concerning bullying education and prevention that includes: (A) Provisions for the biennial administration of surveys of students' impressions of the severity of bullying in their schools, the administration of which surveys, at a minimum, shall satisfy the rules promulgated by the state board pursuant to paragraph (c) of this subsection (1); and (B) The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, counselors, teachers, administrators, parents, and students. (c) Rules for the administration of surveys of students' impressions of the severity of bullying in their schools, which procedures, at a minimum, shall include: (I) Procedures for the distribution, collection, standardization, and analysis of data collected in each survey, which procedures shall ensure the confidentiality of each student's answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student; (II) Certain questions that each survey shall ask of each student concerning how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying; and (III) Provisions to ensure that, to the extent practicable, a school district or school, including a district charter school or an institute charter school, may utilize existing forms and procedures in administering the surveys. (d) The designation of a date by which the department shall annually submit to the state board and to the education committees of the senate and house of representatives, or any successor committees,
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	the information described in section 22-93-103(4).” C.R.S.A. § 22-93-104(1). “(1) There is hereby established in the state treasury the school bullying prevention and education cash fund. The cash fund shall consist of moneys transferred thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. The moneys in the cash fund are continuously appropriated to the department for the direct and indirect costs associated with implementing this article. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund. (2) No more than five percent of the moneys annually expended from the cash fund may be used for the expenses incurred by the department in administering this article. (3)(a) No general fund moneys shall be appropriated to the cash fund for the implementation of this article. (b) The department may seek, accept, and expend public or private gifts, grants, and donations from public and private sources to implement this article; except that the department shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with the provisions of this article or any other law of the state. The department shall transfer all private and public moneys received through gifts, grants, and donations to the state treasurer, who shall credit the same to the cash fund. (4) Nothing in this section shall be interpreted to require the department to solicit moneys for the purposes of this article.” C.R.S.A. § 22-93-105.
Nevada	“1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund. 2. 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: (a) The establishment of programs to create a school environment that is free from bullying, cyber-bullying, harassment and intimidation; (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; or (c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted 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. “The State Board shall adopt regulations: 1. Establishing the process whereby school districts may apply to the State Board for a grant of money from the Bullying Prevention Fund pursuant to section 9 of this act. 2. As are necessary to carry out 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), § 18.
Significant state funding contingent on school districts’ compliance with bullying law	
Georgia	“Any school system which is not in compliance with the [bullying policy] requirements of subsection (b) of this Code section shall be ineligible to receive state [Quality Basic Education Formula and capital outlay (educational facility)] funding pursuant to Code Sections 20-2-161 and 20-2-260.” Ga. Code Ann., § 20-2-751.4(g).

* McKinney’s Education Law § 14, as presented in the table, will become effective on July 1, 2012.

Table A1: Treatment of special education students in state anti-bullying laws	
Provisions incorporating students with disabilities into reasonableness standard	
California*	“(1) ‘Bullying’ means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, . . . directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following: (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property. (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health. (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance. (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. . . . (3) ‘Reasonable pupil’ means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.” West's Ann. Cal. Educ. Code § 48900(r).
Provisions for incorporating bullying prevention education into a student's special education program	
Massachusetts	“Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing. . . . Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, or Rhett's Syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, the Individualized Education Program (IEP) team, as defined by regulations of the department, shall consider and shall specifically address the following: . . . the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing” M.G.L.A. 71B § 3.
Provisions recognizing that discipline of special education students who bully must conform to other applicable special education laws	
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.
New Jersey	“Nothing contained in the ‘Anti-Bullying Bill of Rights Act,’ P.L.2002, c. 83 (C.18A:37-13 et seq.), as amended and supplemented by P.L.2010, c. 122 (C.18A:37-13.1 et al.), shall alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special educational services and supports.” N.J.S.A. 18A:37-32.
Oklahoma	“B. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.” 70 Okl. St. § 24-100.4.
Pennsylvania	“Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L. 633, No. 181),

	known as the 'Regulatory Review Act,' necessary to implement this article. The regulations shall include the following: . . . (5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code § 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support).” 24 P.S. § 13-1302.1-A(a) (footnote omitted).
Texas	“(b-1) 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. (b-2) Section 37.004 applies to a transfer under Subsection (b-1) of a student with a disability who receives special education services.” V.T.C.A., Education Code § 25.0342. “[T]he student code of conduct must: . . . (7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and (8) provide, as appropriate for students at each grade level, methods, including options, for: (A) managing students in the classroom and on school grounds; (B) disciplining students; and (C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists. . . . (b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.” V.T.C.A., Education Code § 37.001. “(a) The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. (b) Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's admission, review, and dismissal committee conducts a manifestation determination review under 20 U.S.C. Section 1415(k)(4) and its subsequent amendments. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of: (1) functional behavioral assessments; (2) positive behavioral interventions, strategies, and supports; (3) behavioral intervention plans; and (4) the manifestation determination review.” V.T.C.A., Education Code § 37.004. “The board of trustees of each school district shall adopt a policy, including any necessary procedures, concerning bullying that: . . . (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).
Virginia	“The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, . . . (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel” VA Code Ann. § 22.1-279.6.A.

* West's Ann. Cal. Educ. Code § 48900, as presented in the table, will become effective on July 1, 2012.