



## Safety/Student Discipline— Bullying/Conflict Resolution

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### State Anti-bullying Statutes

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April 2005

#### Introduction

Bullying by students on school grounds, a subject of renewed interest for state policymakers in recent years, was most recently brought to the national spotlight by the highly publicized school shootings of the late 1990s, in which the shooters were reported to be the victims of bullies at the school. Heightening this attention is the growing body of research on (1) the prevalence of bullying in K-12 schools, (2) the likelihood of school bullies to develop more serious socio-emotional problems with the passage of time and (3) the impact of bullying on its victims and school climate in general. In the late 1990s, in response to this convergence of recent events and research, state legislatures began to adopt or strengthen existing policies aimed at curbing bullying by K-12 students on school property.

While “hazing” and “harassment” have likewise received attention through high-profile incidents and court cases in recent years, this *ECS StateNote* does not include statutes on these behaviors, unless they are components of state anti-bullying statutes. “Hazing” refers to the intimidation of another student for purposes of joining a club or other group, while “harassment” refers to the intimidation of a student based solely on the student’s race/ethnicity/nationality, sex, sexual orientation, religion, etc. Some state policies refer to “harassment,” “intimidation,” and “bullying” altogether rather than just “bullying” alone.

*This StateNote includes only statutory provisions and excludes state board policies or department programs not based in statute.*

#### How Many States Have Anti-bullying Statutes?

Seventeen states and Guam have enacted anti-bullying legislation: Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Louisiana, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Rhode Island, Vermont, Virginia, Washington and West Virginia.

#### Components of Anti-bullying Policies

Anti-bullying statutes vary considerably in their content and approaches but generally include one or more of the components below.

*With the exception of the “definition of bullying” below, state policies are highlighted as examples of state action and do not necessarily reflect that an identified state is the only state with such a policy.*

#### Definition of bullying

Three states (Arkansas, New Jersey and Oregon) **require districts to establish a definition of “bullying.”** In 11 states and Guam, bullying is defined in statute. For example, in Colorado, “bullying” is defined as “any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events.” Virginia statute mandates

the state board to define “bullying” in its Student Conduct Policy Guidelines, while some states do not establish state definitions nor provide for local or state board definition of “bullying.”

### **State-level support**

A handful of states establish requirements for the state board or department of education to facilitate anti-bullying efforts in schools. In Arkansas, the state board must **review every district’s anti-bullying policies** and may recommend changes or improvements. Rhode Island’s Department of Elementary and Secondary Education, New Jersey’s state superintendent and West Virginia’s state board, respectively, must **develop a model policy** to guide districts in approving their own policies and programs. The Connecticut Department of Education runs a **competitive safe learning grant program** to help school districts meet various goals, including “eliminating bullying behaviors among students.” Oklahoma’s Department of Education is mandated to disseminate “**a list of research-based programs** appropriate for the prevention of harassment, intimidation, and bullying of students at school” to every public school in the state.

### **Local board requirements**

In most states, local boards are required to adopt policies prohibiting bullying on school property, school activities, etc. Statute may specify **consequences for districts** that do not comply with this requirement – in Georgia, any district whose board does not adopt a policy prohibiting bullying, include this prohibition in the code of conduct for middle and high school students, and meet other requirements set forth in GA. CODE ANN. § 20-2-751.4 is ineligible to receive state funding.

### **Student services**

Any Arkansas “student services program” must include **group conflict resolution services**, including “programs designed to prevent bullying.” In Louisiana, elementary schools are authorized to develop “**youth development and assistance programs**” that must include services for students such as “behavioral training and intervention techniques that promote cooperation and enhance interpersonal and conflict resolution skills, peer mediation, anger management, bullying prevention, life skills training, mentoring, counseling, and tutoring programs that improve academic achievement.”

### **School intervention strategy**

Connecticut statute requires every local and regional board’s anti-bullying policy to “include an intervention strategy for school staff to deal with bullying.” The Vermont superintendent’s model school plan on student discipline must include the same.

### **Curriculum**

State statute may require schools to include anti-bullying instruction in the curriculum. In Virginia, the **character education program** in every school must “address the inappropriateness of bullying.” In Georgia, the character education program must address “methods of discouraging bullying and violent acts against fellow students.”

**Reporting requirements and immunity** (see also “School employee rights and responsibilities” below) Some states specify that students and/or school staff **must report suspected bullying to the appropriate authority**. In Arkansas, for example, “a school employee who has witnessed or has reliable information that a pupil has been a victim of bullying defined by the district” must report the incident to the school principal **and is immune from tort liability**. Local and regional board policies in Connecticut must allow “students to anonymously report acts of bullying to teachers and school administrators,” as well as “require teachers and other school staff who witness acts of bullying or receive student reports of bullying to notify school administrators.” In New Jersey, statute specifies that “a school employee, student or volunteer **[may] not engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information** about an act of harassment, intimidation or bullying.”

### **Student rights and sanctions**

Some statutes detail how students are to be **informed of school or district anti-bullying policies and disciplinary actions** to take against students found bullying.

#### *Rights*

In Georgia and Louisiana, local boards must require the prohibition against bullying to be included in the **student code of conduct** (for only middle and high school students in Georgia); in Colorado, the conduct

and discipline code must include “a specific policy concerning bullying prevention and education.” In Arkansas, local boards must “require that notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be **conspicuously posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus** in the district” and that copies of this notice be given to students. Washington State students promptly reporting an incident of bullying to a school official in compliance with district requirements have **immunity** “from a cause of action for damages arising from any failure to remedy the reported incident.” In New Jersey, every district must “**develop a process for discussing the district's harassment, intimidation or bullying policy** with students.”

#### *Sanctions*

In Georgia, any student found to be bullying for the third time in a school year **must be assigned to an alternative school**. Every Illinois district's student discipline policy must include “**early intervention procedures** based upon available community-based and district resources.”

#### **Parent rights**

In Arkansas, local boards must “require that copies of the **notice of what constitutes bullying, that bullying is prohibited, and the consequences of engaging in bullying be provided to parents, students, school volunteers, and employees**. Each policy shall require that a full copy of the policy be made available upon request.” In Connecticut, every local and regional board's anti-bullying policy must allow parents “to file written reports of suspected bullying,” require the parents of a bullied student as well as the parents of a bullying student to be notified, and **be informed of how school staff responded to such acts and the consequences for any further acts of bullying**. New Hampshire statute specifies that all parents involved in a student bullying incident must be **informed by the principal within 48 hours** of the occurrence of this incident and must be advised of “their due process rights including the right to appeal to the state board of education,” although the district superintendent may grant the principal a waiver from the notification requirement if the superintendent believes it is in the child's best interest.

#### **School employee rights and responsibilities**

As stated above, in a number of states, school employees who witness or suspect bullying are required to report this to a specified school official, and such employees are generally granted immunity. In Connecticut, **a school administrator is required to investigate any written reports of suspected bullying received from parents**; in New Jersey, every district must have a procedure for either the principal or the principal's designee **to conduct a prompt investigation of violations and complaints** related to the district's anti-bullying policy. As noted above, however, a New Hampshire principal may receive a waiver of the notification requirement from the district superintendent if the superintendent believes it in the child's best interest.

#### **Teacher professional development provisions**

Some states' anti-bullying policies include provisions allowing or requiring districts to offer teachers anti-bullying professional development. Arkansas statutes state, “The local school board may provide opportunities for school employees to participate in programs or other activities designed to develop the knowledge and skills to prevent and respond to acts” of bullying by students. In New Jersey, school districts are required to “provide training on the school district's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with students.” In addition, districts must incorporate “information regarding the school district policy against harassment, intimidation or bullying ... into a school's employee training program.”

#### **School public reporting requirements**

In Vermont, the state superintendent's model school plan on student discipline must require schools “to **collect data on the number of reported incidents of bullying and the number of incidents that have been verified** and to make such data available to the commissioner and to the public.” In addition, “On or before January 15, 2007, the commissioner of education shall **report to the senate and house committees on education on implementation of [the anti-bullying provisions in Vt. Stat. Ann. tit 16, § 165]**. The report shall include pertinent data such as incidences of bullying gathered by school districts.” In Colorado, every local board must annually **report to the general public on the schools' bullying prevention and education policies**, “including information related to the development and implementation of any bullying prevention programs.” In Connecticut, every school must “maintain a list of

the number of verified acts of bullying in [the] school and make such list available for public inspection.”

## Comprehensive Anti-bullying Policies

A comprehensive state anti-bullying policy includes the following components:

- Defines bullying (either statewide or local definition)
- Prohibits bullying by students
- Informs students and others of anti-bullying policy
- Enables students and parents to report bullying incidents
- Requires teachers and school staff to report bullying incidents
- Provides immunity to those reporting bullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying incident
- Requires administrators to investigate reported incidents (*many state policies lack this requirement*)
- Encourages or requires bullying prevention education in schools

The anti-bullying statutes in Connecticut, New Jersey, Oregon, Vermont and West Virginia contain all the above provisions.

## Statutory References

ARK. CODE ANN. § 6-18-514, § 6-18-1005  
CAL. EDUC. CODE § 32270, 35294.21  
COLO. REV. STAT. ANN. § 22-32-109.1  
CONN. GEN. STAT. ANN. § 10-222d, 10-263e  
GA CODE ANN. § 20-2-145, 20-2-751.4, 20-2-751.5  
105 ILL. COMP. STAT. ANN. 5/10-20.14  
LA. REV. STAT. ANN. § 17:416.13, 17:416.17  
N.H. REV. STAT. ANN. § 193-F:2, 193-F:3  
N.J. STAT. ANN. § 18A:37-13 through 18A:37-17  
N.Y. EDUC. LAW § 2801-a  
OKLA. STAT. ANN. tit. 70, § 24-100.3 through § 24-100.5  
OR. REV. STAT. § 339.351, 339.353, 339.356, 339.359, 339.362, 339.364  
R.I. GEN. LAWS § 16-21-24, 16-21-26  
VT. STAT. ANN. tit. 16, § 11, 165, 565, 1161a  
VA. CODE ANN. § 22.1-208.1, 22.1-279.3:1, 22.1-279.6; § 8.01-220.1:2; 2004 H.B. 629 (new section)  
WASH. REV. CODE ANN. § 28A.300.285, 28A.600.480  
W. VA. CODE ANN. § 18-2C-1 through -6  
17 GUAM CODE ANN. § 3112.1 (2003 PUBLIC LAW 27-71)

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