

State policies on school cyberbullying

Seventeen states have passed legislation regulating “cyberbullying” or bullying through the use of electronic devices in a school context (Table 3). In addition, Michigan’s governor issued an executive order providing for an advisory board to create accountability-based programs to increase school safety, which may include cyberbullying-prevention programs.¹ School cyberbullying legislation has also been introduced in New York.²

Table 1 categorizes states’ school-cyberbullying policies according to whether they extend to off-campus electronic communication. Table 2 groups the state policies according to factors found in the legislative definitions of “cyberbullying” or “bullying.” The policies may require the existence of each relevant factor listed in Table 2 to support a finding of “cyberbullying” or “bullying,” or they may require only one factor or a specific combination of factors. Table 3 provides a list of states with school-cyberbullying legislation, a synopsis of the substantive law, and a link to the bill text.

Federal legislation concerning school cyberbullying was introduced in 2008 in the House of Representatives. The bill, the Megan Meier Cyberbullying Prevention Act, H.R. 6123, was referred to the House Subcommittee on Crime, Terrorism, and Homeland Security on July 28, 2008, but failed to pass.

Table 1: JURISDICTION: Off-Campus Prohibition

1. Legislation explicitly includes prohibition of off-campus cyberbullying
 - a. Arkansas
 - b. Oregon (“immediately adjacent to school grounds,” re school-sponsored activity)
 - c. Pennsylvania (“directed at another student or students,” plus other requirements)
 - d. Rhode Island (“immediately adjacent to school premises” or “at school-sponsored activity or event”)

2. Legislation implicitly includes prohibition of off-campus cyberbullying
 - a. Delaware
 - b. Idaho
 - c. Iowa
 - d. Maryland (“at a school activity”)
 - e. Missouri (see description in Table 3)
 - f. Oklahoma (“at school-sponsored activities or at school-sanctioned event”)
 - g. Washington

3. Legislation excludes prohibition of off-campus cyberbullying
 - a. California
 - b. Florida
 - c. Kansas

¹ Michigan, [E.O. 46](#), 2007.

² New York, [S. 08739](#), introduced 08/05/08.

- d. Nebraska
 - e. New Jersey
 - f. South Carolina
4. Legislation unclear as to prohibition of off-campus cyberbullying
- a. Minnesota

Table 2: DEFINITIONS: Language in Definition of Cyberbullying/Bullying through Electronic Means (The italicized numbers following a state’s name indicate the other factors in this table that are found in that state’s legislation.)

1. Causes “substantial disruption” of the school environment or orderly operation of the school
 - a. Arkansas *[5]*
 - b. Florida (“substantially disrupting”) *[3, 4, 5, 6]*
 - c. Maryland (“substantially disrupts”) *[2, 4, 7]*
 - d. Nebraska (“disrupts”) *[8]*
 - e. New Jersey *[3, 7]*
 - f. Oklahoma (“disrupt or interfere with . . . educational mission”) *[3,4,8]*
 - g. Pennsylvania (“substantially disrupting”) *[2, 4, 8]*
 - h. Washington (“substantially disrupting”) *[2, 3, 4, 7]*

2. Creates “intimidating,” “threatening” or “hostile” learning environment
 - a. California *[5]*
 - b. Delaware *[3, 5, 6]*
 - c. Idaho *[3]*
 - d. Kansas *[3, 5]*
 - e. Maryland *[1, 4, 7]*
 - f. Oregon *[3, 4, 8]*
 - g. Pennsylvania *[1, 4, 8]*
 - h. Rhode Island *[3,8]*
 - i. Washington *[1, 3, 4, 7]*

3. Causes actual harm to student or student’s property or places student in reasonable fear of harm to self or property
 - a. Delaware *[2, 5, 6]*
 - b. Florida *[1, 4, 5, 6]*
 - c. Idaho *[2]*
 - d. Iowa *[4, 7]*
 - e. Kansas *[2, 5]*
 - f. New Jersey *[1, 7]*
 - g. Oklahoma *[1,4,8]*
 - h. Oregon *[2, 4, 8]*
 - i. Rhode Island *[2, 8]*
 - j. Washington *[1, 2, 4, 7]*

4. Interferes with student’s educational performance and benefits
 - a. Florida [1, 3, 5, 6]
 - b. Iowa [3, 7]
 - c. Maryland [1, 2, 7]
 - d. Oklahoma [1,3,8]
 - e. Oregon [2, 3, 8]
 - f. Pennsylvania [1, 2, 8]
 - g. Washington [1, 2, 3, 7]

5. Includes as target: school personnel or references “person” rather than “student”
 - a. Arkansas [1]
 - b. California [2]
 - c. Delaware [2, 3, 6]
 - d. Florida [1, 3, 4, 6]
 - e. Kansas [2, 3]

6. Incites third parties to carry out bullying behavior
 - a. Delaware [2, 3, 5]
 - b. Florida [1, 3, 4, 5]

7. Motivated by actual or perceived characteristic or trait of student
 - a. Iowa [3, 4]
 - b. Maryland [1, 2, 4]
 - c. New Jersey [1, 3]
 - d. Washington [1, 2, 3, 4]

8. Provides that schools or school districts create their own definitions of bullying and bullying policies
 - a. Minnesota
 - b. Nebraska [1]
 - c. Oklahoma (subject to minimum state requirements) [1,3,4]
 - d. Oregon (subject to minimum state requirements) [2, 3, 4]
 - e. Pennsylvania (subject to minimum state requirements) [1, 2, 4]
 - f. Rhode Island [2,3]
 - g. South Carolina

Table 3: STATE CYBERBULLYING POLICIES

1. **Arkansas, [H.B. 1072](#)**, 2007: Arkansas Code, §6-18-514(a)
Includes electronic acts that create a “clear and present danger” of physical harm, “substantial interference” with education, a “hostile educational environment” or “substantial disruption” of the school. The prohibited “electronic acts” include off-campus communication that is “directed specifically at students or school personnel

and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.”

2. **California**, [A.B. 86](#), 2008: California Education Code Annotated §32261
Prohibits bullying through electronic means that is directed specifically toward a student or school personnel. Students may only be punished for acts that are “related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district.” Does not explicitly provide for punishment of off-campus electronic bullying.
3. **Delaware**, [H.B. 7](#), 2007: 14 Delaware Code §41120
Prohibits bullying through electronic means that a reasonable person should know will place a person in fear of harm to emotional or physical well-being, create a hostile educational environment, interfere with a safe school environment, or incite bullying in third parties. Requires that bullying have a “sufficient school nexus.”
4. **Florida**, [H.B. 669](#), 2008: Florida Statutes §1006.147
Prohibits bullying during educational programs and activities, during school-related or -sponsored activities, on school buses, and through the use of computers or software accessed on a computer, computer system or computer network of an educational institution.
5. **Idaho**, [H.B. 750](#), 2006: Idaho Code Annotated §280.28
Prohibits bullying that a reasonable person should know will have the effect of harming a student, damaging a student’s property, placing a student in reasonable fear of harm, or placing a student in reasonable fear of damage to his or her property, *and* that creates an intimidating educational environment for a student. Provides that bullying may occur through the use of computers or telephones. Does not mention location.
6. **Iowa**, [S.F. 61](#), 2007: Iowa Code §280.28
Prohibits bullying through electronic acts that is based on any actual or perceived characteristic of a student and that creates an objectively hostile school environment by placing a student in reasonable fear of harm, causing a substantially detrimental effect on a student’s health, substantially interfering with a student’s academic performance, or substantially interfering with a student’s ability to benefit from and participate in school activities. Does not mention location.
7. **Kansas**, [H.B. 2758](#), 2008: Kansas Statutes Annotated §72-8256
Prohibits “cyberbullying,” intentional acts through electronic means that create an intimidating educational environment for a student or school personnel *and* that a reasonable person should know will have the effect of harming a student or staff member, damaging student or staff property, or placing a student or staff member in reasonable fear of harm or damage to property. Provides that school boards will

- prohibit cyberbullying on or while utilizing school property, in a school vehicle, or at a school-sponsored event.
8. **Maryland**, [H.B. 199](#), 2008: Maryland Education Code §7-424, 7-424.1
Prohibits bullying, which is intentional conduct or intentional electronic communication that creates a hostile educational environment *and* is motivated by an actual or perceived personal characteristic *or* is threatening, *and* occurs on school property *or* “substantially disrupts the orderly operation of a school.”
 9. **Minnesota**, [S.B. 646](#), 2007: Minnesota Statutes §121A.0695
Provides that each school board shall adopt a written policy prohibiting bullying through electronic means.
 10. **Missouri**, [S.B. 818](#), 2008: Missouri Revised Statutes §160.261, §565.090, §565.225
(Missouri’s bill revises the state’s harassment and stalking statutes and requires school officials to report any crimes of harassment or stalking committed on school property to the police. The language used to define harassment and stalking is not student-specific, so Missouri is not included in Table 2.)
Prohibits using electronic or any other means of communication to knowingly “frighten, intimidate, or cause emotional distress to another person,” making “repeated unwanted communication to another person” or using unwanted or offensive communication that “puts [a] person in reasonable apprehension of offensive physical contact or harm.”
 11. **Nebraska**, [L.D. 205](#), 2008: R.R.S. Nebraska 121A.069579-2,137
Prohibits bullying, including through electronic means, that occurs on school grounds, in a school vehicle, or at school-sponsored events. Definition of bullying is not fully developed.
 12. **New Jersey**, [S.B. 993](#), 2007: New Jersey Statutes §18A:37-14
Prohibits bullying through electronic means that is motivated by an actual or perceived characteristic *and* that a reasonable person should know will have the effect of harming a student or a student’s property or placing a student in reasonable fear of harm to self or property, *or* has the effect of insulting a student or group of students in such a way to cause substantial disruption of school, *and* takes place on school property, on a school bus, or at a school-sponsored function.
 13. **Oklahoma**, [S.B.1941](#), 2008: 70 Oklahoma Statutes §24-100.3
Prohibits harassment, intimidation and bullying by any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will harm another student or 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. Law pertains to schools or school-sponsored activities. Requires each district board of education to adopt a policy on bullying.

14. **Oregon**, [H.B. 2673](#), 2007: Oregon Revised Statutes §339.351, §339.356
Provides that each school district shall create a policy prohibiting cyberbullying, which is the use of any electronic communication device to harass, intimidate or bully.
15. **Pennsylvania**, [H.B. 1067](#), 2008: 24 Pennsylvania Statutes §1303.1-A
Requires school systems to develop policies prohibiting bullying, including through electronic means. “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” are either directed at another student or students; are severe, persistent, or pervasive; *or* have the effect of substantially interfering with a student’s education, creating a threatening environment, or substantially disrupting school operation.
16. **Rhode Island**, [S. 2012](#), 2008: General Laws §16-21-26
Prohibits “harassment, intimidation or bullying” through any “intentional written, electronic, verbal or physical act or threat of a physical act that” 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. Requires school districts to develop policies on harassment, intimidation or bullying.
17. **South Carolina**, [H.B. 3573](#), 2006: South Carolina Code §59-63-120, §59-63-140
Requires school systems to develop policies prohibiting bullying “at school.”
Bullying extends to communication through electronic means.
18. **Washington**, [S.B. 5288](#), 2007: Revised Code of Washington §28A.300.285
Defines bullying as an intentional act, including through electronic means, that physically harms a student or damages a student’s property, substantially interferes with a student’s education, creates an intimidating educational environment, or substantially disrupts school operation.

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