



## Cyberbullying Prevention Law

### The ADL Model Statute

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#### **(A) Prohibited Activities:**

##### **(1) Harassment, Intimidation, Bullying and Cyberbullying, prohibited:**

- (a) No student shall be subjected to harassment, intimidation, bullying, or cyberbullying in any public educational institution,
  - (i) During any education program or activity; or
  - (ii) While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or
  - (iii) Through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network of any public educational institution.
- (b) As used in this Act, “harassment, intimidation, bullying or cyberbullying” means any written, verbal or physical act, or any electronic communication including, but not limited to, one shown to be motivated by a student’s actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional, or learning disability, gender, gender identity and expression, or other distinguishing personal characteristic, or based on association with any person identified above, when the written, verbal or physical act or electronic communication is intended to:
  - (i) Physically harm a student or damages the student's property; or
  - (ii) Substantially interfere with a student’s educational opportunities; or
  - (iii) Be so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
  - (iv) Substantially disrupt the orderly operation of the school.
- (c) As used in this Section, “electronic communication” means any communication through an electronic device including but not limited to a telephone, cellular phone, computer or pager, which communication includes but is not limited to E-Mail,

instant messaging, text messages, blogs, mobile phones, pagers, online games, and Web sites.<sup>1</sup>

**(B) School Board Requirements and Responsibilities**

(1) Each school district shall adopt a policy prohibiting harassment, intimidation, bullying and cyberbullying, which includes the definition in this Act.

(2) The school district shall involve students, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.<sup>2</sup>

(3) The policy shall contain, at a minimum, the following components:

(a) Notice

- (i) A statement prohibiting harassment, intimidation, bullying or cyberbullying of a student, as defined above;
- (ii) A statement prohibiting retaliation or false accusation against a target, witness or one with reliable information about an act of bullying, harassment and intimidation;
- (iii) A requirement that all students are protected regardless of their status under the law;
- (iv) A statement of how the policy is to be publicized, including requirements that: annual written notice of the policy is provided to parents, guardians, staff, volunteers, and students, with age appropriate language for students; the policy is posted throughout all schools in the district, including but not limited to cafeterias, school bulletin boards, administration offices, and the school district's Web site; and the policy is included in all student and employee handbooks;
- (v) A procedure for providing immediate notification to the parents or guardian of a victim of, harassment, intimidation, bullying or cyberbullying and the parents or guardian of the perpetrator of the harassment, intimidation, bullying or cyberbullying;

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<sup>1</sup> Source: (A)(1)(a) adapted from [FS 1006.147](#); [A.C.A. § 6-18-514](#); [AZ.R.S. Ann. § 15-341](#)  
(A)(1)(b) adapted from [WA St. 28A.300.285](#) ; [NJ 18A 37-14](#) ; [Iowa Code Ann. § 280.28](#)  
(A)(1)(c) adapted from [MD. Ann. Ed § 7-424](#)

<sup>2</sup> Source: (B)(2) [FS 1006.147](#)

(vi) The identification by job title of school officials responsible for ensuring that the policy is implemented.

(vii) A statement that this policy will apply to an electronic communication whether or not this conduct originated on school property or with school equipment so long as:

- (1) a reasonable person should know, under the circumstances, that the act will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his or her person or damage to his or her property; and has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school; or
- (2) the act is directed specifically at students and intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.<sup>3</sup>

(b) Reporting and Investigations

(i) A procedure for reporting an act of harassment, intimidation, bullying or cyberbullying, including a provision that permits a person to report such act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;

(ii) 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 harassment, intimidation, bullying or cyberbullying shall immediately report it to the principal or the principal's designee;

(iii) A procedure for each school to document any prohibited incident that is reported and a procedure to report all incidents of, harassment, intimidation, bullying or cyberbullying and the resulting consequences, including discipline and referrals, to the Board of Education on a semi-annual basis;

(iv) A procedure for reporting to law enforcement all acts of harassment, intimidation, bullying or cyberbullying which may constitute criminal activity.<sup>4</sup>

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<sup>3</sup> Source: (B)(3)(a)(i) [ORS §339.356\(2\)\(a\)-\(b\)](#)  
(B)(3)(a)(ii) [Alaska Stat. § 14.33.200-250](#)  
(B)(3)(a)(iii) [Utah Code 53A-11a](#)  
(B)(3)(a)(vi) adapted from [A.C.A. § 6-18-514](#); [FLS § 1006.147](#)  
(B)(3)(a)(v) [FLS § 1006.147](#)  
(B)(3)(a)(vi) [ORS §339.362](#)  
(B)(3)(a)(viii) adapted from [A.C.A. § 6-18-514\(b\)\(2\)](#) and [NJ St 18A:37-14\(2\)](#)

<sup>4</sup> Source: (B)(3)(b)(i) [NJ St 18A:37-15\(b\)\(5\)](#)  
(B)(3)(b)(ii) [A.C.A. § 6-18-514\(b\)\(4\)](#)  
(B)(3)(b)(iii) [WV ST 18-2C-3\(b\)\(6\)](#); [Kentucky Acts Chap. 125](#)  
(B)(3)(b)(iv) [Utah Code 53A-11a](#)

(v) A procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal's designee as the person responsible for the investigation;

(c) Remedies and Victim Assistance

(i) Consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, bullying or cyberbullying;

(ii) Consequences and appropriate remedial action for a student found to have falsely accused another as a means of retaliation, reprisal, or as a means of harassment, intimidation, bullying or cyberbullying;

(iii) A strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, and appropriate family members, affected by harassment, intimidation, bullying or cyberbullying, as necessary;

(iv) A statement encouraging public schools and school districts to form bullying prevention task forces, programs, and other initiatives involving school staffs, pupils, administrators, volunteers, parents, law enforcement, community members, and other stakeholders.<sup>5</sup>

(4) Training and Assessment

Each School District shall provide the following educational programs in its efforts to prevent harassment, intimidation, bullying or cyberbullying:

(a) Annual training for administrators, school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of, harassment, intimidation, bullying or cyberbullying; and

(b) An educational program for students and parents in preventing, identifying, responding to, and reporting incidents of, harassment, intimidation, bullying or cyberbullying.<sup>6</sup>

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<sup>5</sup> Source: (B)(3)(c)(i) [NJ St 18A:37-15\(b\)\(4\)](#)  
(B)(3)(c)(ii) [NJ St 18A:37-15\(b\)\(9\)](#)  
(B)(3)(c)(iii) adapted from [FLS § 1006.147](#)  
(B)(3)(c)(iv) [R.I. Gen. Laws § 16-21-26](#)

<sup>6</sup> Source: (B)(4)(a) adapted from [NJ ST 18A:37-17\(b\)-\(c\)](#) and [FLS § 1006.147](#)  
(B)(4)(b) adapted from [MD. Ann. Ed § 7-424](#)

**(C) State Board of Education Requirements and Responsibilities**

The State Board of Education shall:

- (1) Develop a model policy and training materials on the components that should be included in any district policy;
- (2) Periodically review school district programs, activities, and services to determine whether the school boards are complying with this statute;
- (3) Compile and make available to all schools a list of programs appropriate for the prevention of harassment, intimidation, bullying or cyberbullying of students;
- (4) Establish and maintain a central repository for the collection and analysis of information regarding harassment, intimidation, bullying or cyberbullying as defined in this statute;
- (5) Report to the state legislature annually on the current levels and nature of harassment, intimidation, and bullying in the schools and the effectiveness of school policies under this statute in combating harassment, intimidation, bullying or cyberbullying, including recommendations for appropriate actions to address identified problems.<sup>7</sup>

**(D) Immunity**

A school employee, school volunteer, student, parent or guardian who promptly reports in good faith an act of harassment, intimidation, bullying or cyberbullying to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.<sup>8</sup>

**(E) Qualification for Safe Schools Funding**

(1) Distribution of safe schools funds to a school district is contingent upon the State Board of Education approval of the school district's anti-bullying policy. The Board's approval of each school district's anti-bullying policy shall be granted upon certification by the Board that the school district's policy has been submitted to the Board and is in substantial conformity with the Board's model anti-bullying policy.

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<sup>7</sup> Source: (C)(1) adapted from [A.C.A. § 6-18-514\(e\)](#)  
(C)(2) [Wash. Rev. Code 28A.300.285\(4\)](#)  
(C)(3) [OK St. § 70-24-100.2-5](#)  
(C)(4) adapted from [Kentucky Acts Chap. 125](#)  
(C)(5) adapted from [MD. Ann. Ed § 7-424](#)

<sup>8</sup> Source: (D) adapted from [A.C.A. § 6-18-514\(b\)\(2\)](#) and [NJ St 18A:37-14\(2\)](#)

(2) Distribution of safe schools funds provided to a school district shall be contingent upon and payable to the school district upon the school district compliance with all reporting procedures contained in this section.<sup>9</sup>

**(F) Preclusion**

(1) This act shall not be interpreted to prevent a target from seeking redress under any other available law either civil or criminal.

(2) Nothing in this statute is intended to infringe upon the right of a school employee or student to exercise their right of free speech.<sup>10</sup>

**(G) Severability**

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.<sup>11</sup>

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<sup>9</sup> Source: (E) adapted from [FS 1006.147](#) and [14 Del. Code Ann. § 4112D](#)

<sup>10</sup> Source: (F)(1) [NJ ST 18A:37-18](#)  
(F)(2) [Utah Code 53A-11a-301\(6\)](#)

<sup>11</sup> Source: (G) [FS 1006.147](#)