



State Laws Related to Bullying Among Children and Youth

Historically, bullying among school children and youth has not been a topic of great public concern. Many adults have viewed the experience of being bullied as a rite of passage for children and youth. In recent years, however, attention to bullying among children has increased dramatically among school personnel, the general public, and policymakers. The attention is well deserved. Recent research indicates that bullying is prevalent among American school children, directly involving approximately 30% of school children within a school semester (Nansel et al., 2001).

As of 2003, at least 15 states have passed laws addressing bullying among school children, and many others have considered legislation. Most laws have been in effect since 2001. Their passage was motivated, at least in part, by tragic shootings at several U.S. high schools in the late 1990s and later reports that many perpetrators of school shootings had felt bullied or threatened by peers.

How is bullying defined in state laws?

- Several states do not define bullying in their state laws. Those that do define the term vary in the types of behaviors that constitute bullying. Examples include the following:

Colorado: *"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."*

Georgia: *"Any willful attempt or threat to inflict injury on another person...or any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm."*

- Several state laws equate bullying with harassment and intimidation.

Legislative findings about bullying

- Several states include legislative findings about bullying in their statutes. Legislative findings reflect the seriousness with which policymakers consider the issue. Examples include the following:

New Jersey: *"Bullying, like other disruptive or violent behaviors...disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment."*

Vermont: *"Students who are continually filled with apprehension and anxiety are unable to learn and unlikely to succeed."*

Directives in bullying laws

- Most state laws require or encourage that school officials (typically school boards) *develop a policy to prohibit bullying*, as in the following example.

Louisiana: *"Each city, parish, or other local public school board shall adopt and incorporate into the student code of conduct...a policy prohibiting the harassment, intimidation, and bullying of a student by another student."*

- Several state laws encourage schools to *implement a bullying prevention program* (e.g., Colorado, New Jersey, and Oklahoma).
- Several states encourage or require *employee training* on bullying and bullying prevention (e.g., Georgia, New Hampshire, Oklahoma, Washington, and West Virginia).
- At least six states require or encourage individuals to *report school bullying incidents to authorities* (e.g., Connecticut, New Hampshire, New Jersey, New York, Washington, and West Virginia).

- Some laws *emphasize the importance of disciplinary action for children who bully* (e.g., Georgia, New Jersey, and West Virginia).
- Two state laws suggest schools *improve communication among staff and students* related to bullying (New York and Rhode Island).
- One law in West Virginia addresses the need to *develop plans to protect children who are bullied*.
- Careful evaluations of the implementation of these laws are needed to help guide policy makers.

Current state laws on bullying

State	Citation
California	Cal. Ed Code § 35294.2 (2001)
Colorado	Colo. Public Act No. 02-119 (2002)
Connecticut	Ct. Public Act No. 02-119 (2002)
Georgia	Ga. Code Ann. § 20-2-751.4 (2001)
Illinois	ILCS § 105 5/10-20.14
Louisiana	La. R.S. 17 § 416.13 (2001)
New Hampshire	N.H. RSA 193-F (2000)
New Jersey	N.J.S.A. 18A:37-13-18 (2002)
New York	NY CLS Educ § 2801-a (2002)
Oklahoma	Ok Stat. 70 § 24-100.2 (2002)
Oregon	Ore. Laws 617 (2001)
Rhode Island	R.I. Gen. Laws § 16-21-24 (2001)
Vermont	V.S.A. 16 § 565 (2001)
Washington	RCW 28A.300.285 (2002)
West Virginia	W.Va. Code Ann. § 18-2C-1 (2001)

Model policies

Recognizing the challenge that schools may face in developing anti-bullying policies, several states have issued model policies or published technical advisories that guide educators in the interpretation and implementation of laws (e.g., Colorado, New Hampshire, New Jersey, and Washington).

Conclusions

- Enacting sensitive laws and policies that address bullying in U.S. schools can encourage and support effective bullying prevention and intervention programs in schools.

References

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