

Iowa Code 280.28 :

## Harassment Law Amendment - Cyberbullying

**Main Idea of the Bill:** In today's era of technology frenzy, people are able to voice their opinion in more ways than ever before, through the use of social networking sites and electronic communication. However, the wonders of electronics have a very dark side. Electronic communication makes it all the more easy to voice negative opinions in the form of cyberbullying. Cyberbullying is a clear and prevalent problem in today's society. Iowa's Harassment law does take measures to deal with and prevent bullying, including cyberbullying. However, there are three main problems that arise.

- 1) **The location of the bullying.** Since much of cyberbullying occurs on social networking sites it is more likely that this occurs off campus and falls beyond the area that schools can punish the bully for.
- 2) **The omission of the word "cyberbullying".** The language right now includes "electronic communication", but not "cyberbullying". Cyberbullying needs to be defined in-depth so authorities can properly categorize a situation as cyberbullying.
- 3) **The implementation of Iowa schools' bullying action plans.** As shown in the major Des Moines Register report from early October, many schools haven't reported a significant amount of bullying incidents, and some schools haven't reported *any* incidents at all. This shows a clear need to strengthen the schools' action plans to coincide with the Department of Education's new reporting plan.

**Why, Reason 1:** Cyberbullying is a major problem in society today and needs to have effective reporting in schools.

**Supporting reason/evidence:** We should take measures for cyberbullying prevention and reporting because it greatly affects students in schools. Cyberbullying is known to cause health problems, depression and decrease GPA. They can also cause sleep problems, increased feelings of sadness. These Problems may persist into adulthood.

**Supporting reason/evidence:** Unfortunately, cyberbullying has caused many deaths as well. Among the many high profile cases, include the Rutgers University student, Tyler Clementi, who killed himself after his roommate Dharun Ravi posted private videos of Tyler online. Phoebe Prince, a Massachusetts high school student, killed herself after peers sent online messages to her, after she had broken up with her boyfriend. If we want to prevent these tragic deaths, we need to improve our reporting techniques in schools.

**Why, Reason 2:** The main issue with this last year, was the question of why it needs to be an issue addressed in schools, and why not with the police.

**Supporting reason/evidence:** Principals and school officials can make more of a difference with the issue than others. *"The school principal's commitment to and involvement in addressing school bullying are key. In fact, in comparing schools with high and low bullying rates, some research suggests that a principal's investment in preventing and controlling bullying contributes to low rates."* (Center for Problem-Oriented Policing).

**Supporting reason/evidence:** There is no doubt that complaints need to be filed with the police. However, they are not the only one that can solve or prevent cyberbullying. In a report by the U.S Department of Justice designed for police, it states that *"The police alone cannot implement many of the responses discussed in the guides."* The most effective way to deal with cyberbullying is to involve the school and the police.

**Why, Reason 3:** Other states have made the change in their laws and it has been effective.

**Supporting reason/evidence:** Of the 8 states that have changed their law to include the 'school grounds' language, New Jersey is one of them. Their harassment act states *"...that takes place on school property, at any school-sponsored function [or] on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students.."* (Anti-Bullying Bill of Rights Act.) This basically means that the school can punish students for off-ground bullying if it disrupts or interferes with the students while in school.

**Supporting reason/evidence:** On Wednesday, the New Jersey Department of Education reported a 4-fold increase in the number of bullying incidents being reported, which is because the schools are documenting all cases of bullying reported. It's also helping students report the issues one middle school student said, "It gave me the control and ability to start speaking out. It gave me a right to let my voice be heard," said (Jonathan, who is 12 and a seventh grader at Hammarskjold Middle School.)

**Why, Reason 4:** The anti-bullying plans of Iowa schools are not as effective as they can be.

**Supporting reason/evidence:** The Harassment code at present requires nonpublic schools to create and maintain an action plan.

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 anti-bullying 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.

However, many schools in Iowa have not been regularly reporting and taking action on bullying incidents. For example, the schools of Council Bluffs have previously not taken action on reported incidents of bullying. In a recent report by the Des Moines Register, it has been shown that since our Harassment laws have passed, some schools have not reported *any* bullying incidents. This shows that the requirement of the school having an action plan needs to be firmly stated and standards need to be set.

**Supporting reason/evidence:** To strengthen Iowa schools' action plans, there need to be more standards that the schools are required to meet. If there are more standards, the plans will be more detailed and more effective. The cyberbullying and bullying laws from Massachusetts are some of the most hard-hitting and detailed laws in legislature today. When looking at their laws on action plans, they have extensive measures that are required of the schools, which contribute to its effectiveness. Some main points from their laws that we could implement are:

“(d) 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..”

Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation; (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (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; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (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; (vi) **clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection**; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (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; (ix) a provision that a student who knowingly makes a

false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

“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.”

**This bill is important and urgent because: (summarize above information for this section).**

This bill is urgent because the issue of cyberbullying is rapidly ballooning in the media. More tragic deaths and illnesses are occurring among teens and if we want to prevent this, we need to stop these cyberbullying cases as soon as we can. By amending this law to allow schools jurisdiction outside of school, we can increase the number of reports and allow schools and students to take preventative measures against cyberbullying.

**BE IT ENACTED BY THIS CONGRESS THAT:**

**SECTION 1. State the new policy in a brief declarative sentence, or in as few sentences as possible.**

This amendment will include language that gives schools the right to act on cyberbullying issues if they affect the students in the school environment.

This amendment will firmly require schools to create an anti-bullying and anti-harassment action plan that meets state's requirements.

**SECTION 2. Define any ambiguous terms inherent in the first section.**

Add the definition of 'cyberbullying.'

**SECTION 3. Name the government agency that will oversee the enforcement of the bill along with the specific enforcement mechanism.**

Department of Education (Any others?)

**SECTION 4. Indicate the implementation date/timeframe.**

To be discussed with Representatives and Senators supporting this bill.

**SECTION 5. State that all other laws that are in conflict with this new policy shall hereby be declared null and void.**

None.

Additional Research

### **How should we separate the bills?**

Rep. Hunter stated that it would be better to group everything together, to ensure that all the ideas we want to pass, will pass.

### **Do we need to redefine cyberbullying?**

We may need to add the proper definition of "cyberbullying" into the law, to make the assessment of the situation as either 'bullying' or 'cyberbullying' more effective. In reference to the Commonwealth of Massachusetts's law, this is their definition of cyberbullying.

"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.

### **Are we punishing schools for not implementing their laws?**

This is an issue that needs to be discussed with Rep. Hunter. At present, schools should be *required* to implement a bullying reporting system within the school. The biggest issue is that the school should not only report the situation to the state, but that they should take action.

### **Should we give same punishment to students despite the severity of the offences?**

This depends on the school's individual action plan (explain)

[Sai- just put your questions and answers here. This can be a sort of "Q and A" page that shows our research that doesn't really fit in with the rest.]