

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 115 of the Regular Session

1 State of Arkansas

As Engrossed: H1/19/07 S2/1/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 1072

4
5 By: Representatives Walters, Abernathy, Cook, R. Green

6 By: Senators Wilkinson, Altes

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8
9 **For An Act To Be Entitled**

10 AN ACT TO DEFINE BULLYING; TO INCLUDE
11 CYBERBULLYING IN PUBLIC SCHOOL DISTRICT
12 ANTIBULLYING POLICIES; AND FOR OTHER PURPOSES.

13
14 **Subtitle**

15 AN ACT TO DEFINE BULLYING AND TO INCLUDE
16 CYBERBULLYING IN PUBLIC SCHOOL DISTRICT
17 ANTIBULLYING POLICIES.

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20 WHEREAS, bullying creates an intolerable and sometimes dangerous
21 educational environment for a student or public school employee who is the
22 target of bullying or who is close to the target; and

23 WHEREAS, the definition of bullying varies widely among public school
24 districts in the state and the General Assembly finds that public school
25 districts and the Department of Education would benefit from legislative
26 guidance for defining bullying; and

27 WHEREAS, cyberbullying, or the use of computers, websites, the
28 Internet, cell phones, text messaging, chat rooms, and instant messaging to
29 ridicule, harass, intimidate, humiliate, or otherwise bully another student,
30 is a growing problem for public school students due to the increased use of
31 such electronic devices by children both on and off of public school
32 premises; and

33 WHEREAS, cyberbullies feel protected by anonymity and by the knowledge
34 that children who are targeted do not want to report cyber assaults because
35 they fear losing their access to electronic devices or having the situation



1 aggravated by adult interference; and

2 WHEREAS, because cyberbullying has the potential for instantaneous
3 distribution to a wide audience, it can impact the educational environment by
4 rapidly reaching a large number of students and public school employees, and
5 creating an environment of fear and intimidation that materially or
6 substantially disrupts class work and discipline in a public school,
7

8 NOW THEREFORE,

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

10
11 SECTION 1. Arkansas Code § 6-18-514(a) and (b)(1) and (2) regarding
12 public school district antibullying policies, are amended to read as follows:

13 (a)(1) The General Assembly finds that every public school student in
14 this state has the right to receive his or her public education in a public
15 school educational environment that is reasonably free from substantial
16 intimidation, harassment, or harm or threat of harm by another student.

17 (2) The school board of directors in every public school
18 district shall adopt policies to prevent pupil harassment, also known as
19 bullying.

20 (3) As used in this subchapter:

21 (A) "Bullying" means the intentional harassment,
22 intimidation, humiliation, ridicule, defamation, or threat or incitement of
23 violence by a student against another student or public school employee by a
24 written, verbal, electronic, or physical act that causes or creates a clear
25 and present danger of:

26 (i) Physical harm to a public school employee or
27 student or damage to the public school employee's or student's property;

28 (ii) Substantial interference with a student's
29 education or with a public school employee's role in education;

30 (iii) A hostile educational environment for one (1)
31 or more students or public school employees due to the severity, persistence,
32 or pervasiveness of the act; or

33 (iv) Substantial disruption of the orderly operation
34 of the school or educational environment;

35 (B) "Electronic act" means without limitation a
36 communication or image transmitted by means of an electronic device,

1 including without limitation a telephone, wireless phone or other wireless
2 communications device, computer, or pager;

3 (C) "Harassment" means a pattern of unwelcome verbal or
4 physical conduct relating to another person's constitutionally or statutorily
5 protected status that causes, or reasonably should be expected to cause,
6 substantial interference with the other's performance in the school
7 environment; and

8 (D) "Substantial disruption" means without limitation that any
9 one or more of the following occur as a result of the bullying:

10 (i) Necessary cessation of instruction or educational
11 activities;

12 (ii) Inability of students or educational staff to focus
13 on learning or function as an educational unit because of a hostile
14 environment;

15 (iii) Severe or repetitive disciplinary measures are
16 needed in the classroom or during educational activities; or

17 (iv) Exhibition of other behaviors by students or
18 educational staff that substantially interfere with the learning environment.

19 (b) The policies shall:

20 (1)(A) Clearly define conduct that constitutes bullying.

21 (B) The definition shall include without limitation
22 the definition contained in subsection (a) of this section;

23 (2) Prohibit bullying:

24 (A) ~~while~~ While in school, on school equipment or
25 property, in school vehicles, on school buses, at designated school bus
26 stops, at school-sponsored activities, ~~or~~ at school-sanctioned events; or

27 (B)(1) By an electronic act that results in the
28 substantial disruption of the orderly operation of the school or educational
29 environment.

30 (2) This section shall apply to an electronic act
31 whether or not the electronic act originated on school property or with
32 school equipment, if the electronic act is directed specifically at students
33 or school personnel and maliciously intended for the purpose of disrupting
34 school, and has a high likelihood of succeeding in that purpose;

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36 SECTION. 2. Separability. The provisions of this Act are hereby

1 declared to be separable and if any section or provision of this Act is
2 determined to be invalid, such determination shall not affect the validity of
3 any remaining section or provision of this Act.

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/s/ Walters

APPROVED: 2/16/2007