



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes Bill to Prevent Cyberbullying

JACK M. MARTINS June 19, 2012

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The New York Senate passed legislation, supported by Senator Jack M. Martins, giving students wide-range of protections from bullying and cyberbullying. The legislation (S.7740) clarifies and expands the Dignity for All Students Act, an anti-bullying law enacted in 2010, which created guidelines for local school districts to develop policies and procedures to address the problem.

“Under this legislation, school districts can act on cyberbullying, thereby creating a suitable learning environment for all students and faculty,” Senator Martins said

This comprehensive measure includes within the definitions of bullying and cyberbullying as harassment through verbal and non-verbal actions, whether on or off school property, which potentially limit the ability of administration to effectively teach students as well as students to effectively learn from faculty.

“The introduction of social networking into the lives of students today has created a means for communication outside of school for students. Unfortunately, in some cases, these communication tools have been used as a vehicle for cyberbullying, whether it be via emails or other forms of messaging. This new cyber-age has brought about nearly 24/7 access to bullying and other abuse,” said Senator Martins. “If cyberbullying deters students to learn or

take part in the learning process, this new law will allow steps to be taken by the school districts to ensure the victims and their parents feel a proper investigation has been conducted. This new step to report incidents provides a new stage for keeping the learning environment in schools safe.”

Recent statistics have shown that more than 7 million students between the ages 12-18 have reported being bullied at school or through technological means off school grounds, of that a staggering 1.5 million of those students claim that cyberbullying was involved as well.

The bill will state for the first time that cyberbullying off school grounds impacts the learning environment in negative ways and as such becomes a matter that the school can address with or without law enforcement at their discretion. The bill will clarify the legal definitions of all forms of threats, intimidation and abuse (verbal and nonverbal); create new, clear definitions of cyberbullying; apply to all students, without limiting the law to students singled out because of race, color, weight, national origin, ethnic group, religion, disability sexual orientation or gender.

The legislation also clarifies the 2010 law to help local school districts create policies, guidelines and procedures to promote an environment free from bullying and harassment by requiring:

- A school employee be designated to receive reports of harassment and bullying;
- Students and parents to make oral and written reports;
- School employees who witness acts to verbally notify the reporting designee no later than one school day after the incident; and make a written report no later than two school days after the incident;

- A thorough and equitable investigation of all reports;
- Prompt actions be taken to end the harassment or bullying, eliminate hostile environment, create a more positive school culture and climate, prevent recurrence, and ensure safety of the bullied/harassed student (for all verified acts of harassment and/or bullying);
- The prohibition of retaliation for reporting or assisting in the investigation;
- Regular reporting on data and trends related to harassment and bullying;
- Prompt reporting of harassment or bullying that constitutes criminal conduct;
- A copy of the school policy be on the website and annually provided to all employees, students and parents;
- Development of guidelines related to measured, balanced and age-appropriate responses to discrimination , harassment or bullying, as well as remedies and procedures following a progressive disciplinary model; and
- Training to address social patterns of bullying, and strategies for effectively addressing problems of discrimination, exclusion, bias and aggression in educational settings; and
- Amending the existing instruction in civility, citizenship and character education to include an emphasis on discouraging acts of harassment, bullying, and discrimination with a component on instruction of safe, responsible use of the internet and electronic communications.