



NEW YORK STATE SENATOR

Jack M. Martins

## Cyberbullying Legislation Signed Into Law

JACK M. MARTINS July 12, 2012

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The internet, text messages, and social media sites have provided convenience and an ease of communication. However, there is a negative side to electronic communications as it has been used by bullies to harass fellow students.

Recognizing the seriousness of the problem of “cyberbullying,” the New York State Senate passed legislation (S.7740) that clarifies and expands the 2010 Dignity for All Students Act, an anti-bullying law that first created guidelines for local school districts to develop policies and procedures to address the problem of bullying.

Senator Jack M. Martins was instrumental in adding “cyberbullying” to the existing legislation since the bill passed by the Senate recognizes that harassment in electronic form can be just as hurtful as other forms of bullying and is dangerous since it can be viewed by a large number of people.

“The introduction of social networking into the lives of students today has not only created a means of communication outside of school for students, but it unfortunately has also opened the door to new forms of bullying. Whether it be emails or other forms of messaging, this new cyber-age has brought about an almost 24/7 access to bullying and other abusive measures,” said Senator Martins. “If cyberbullying detracts from a student’s ability to take

part in the learning process, this new law will allow steps to be taken by the school districts to ensure that the victims and their parents receive justice and peace of mind. The reporting of these incidents also provides a new step towards keeping our schools safe. The security and safety of students in New York State is of the utmost importance.”

This new law enhances a school’s ability to combat harassment and bullying by improving the reporting, investigation, intervention, training and prevention. School districts are required to take immediate action in the event that a student is being cyberbullied or harassed in any other way. In addition, the legislation provides improved training procedures for teachers and administrators to prevent and respond to bullying.

Multiple experiments and research projects have demonstrated a correlation between cyberbullying and low self-esteem, family problems, academic problems, school violence, and delinquent behavior that could lead to depression, substance use, aggressive impulses, and school truancy. Numerous well-known cases of cyber-bullying have sadly resulted in suicide.

In 2009, at least 7 million U.S. students, ages 12-18 claimed to have been bullied at school. 1.5 million students experienced cyberbullying on or off school property. In 2011, a survey of New York students showed that nearly 18 percent were bullied on school property and 16 percent were cyberbullied through e-mail, chat rooms, instant messaging, Web sites, texting and other electronic means.

Recently, Governor Andrew Cuomo signed the legislation into law. "We must do all we can to ensure that every child in New York State feels safe in the classroom, and this new law will help our schools create an environment that is conducive to educational success," Governor Cuomo said. "Under this new law, schools will play an important role – working with families, communities and law enforcement – to prevent harassment, bullying and discrimination, and to support a student's right to learn.”

The new law cracks down on cyberbullying through the following provisions:

- The law requires that schools take action against instances of cyberbullying both on and off campus. Schools are responsible for intervening against cyberbullying when it creates or threatens to create a substantial risk to the school environment, substantially interferes with a student's educational performance or mental, emotional or physical well being, or causes a student to fear for his or her physical safety.
- The law requires school districts to institute protocols addressing cyberbullying, harassment, bullying and discrimination. These include:
  - Students and parents to make both 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;
  - The assignment of a school official to receive and investigate reports;
  - The prompt reporting and investigation of incidents;
  - Responsive actions to prevent recurrence of any verified bullying;
  - Coordination with law enforcement when appropriate;
  - Development of a bullying prevention strategy; and
  - Notice to all school community members of the school's policies.
- The law organizes training requirements for school employees and incorporates this training into teacher training programs. This preventative training educates school officials

and teachers on the identification and mitigation of harassment, bullying, cyberbullying and discrimination.

- The retaliation for reporting or assisting in the investigation is prohibited.
- A copy of the school policy on such matters, among others, be on the website and annually provided to all employees, students and parents.
- 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.

These measures are overall important to eliminate hostile environments, create a more positive school culture and climate, prevent recurrences, and ensure the safety of the bullied/harassed student and the safety of all students.