

Sample of Bullying Definitionsⁱ

The following is a sample of bullying definitions from seven states: New Jersey, Iowa, South Dakota, Wisconsin, North Dakota, Massachusetts, and California. Two of the states combined the definitions of bullying and harassment into one statute. There is duplication in some parts of the definitions; however, each state has one or more unique components. The definition of bullying for Wisconsin is found in its Model Policy developed by the Wisconsin Department of Education. The definitions have been reformatted for ease of reading. You can view each state's bullying statutes and model policies at the United States Department of Human Services website: www.stop bullying.org.

States that combine harassment and bullying and intimidation definitions in one statute:

New Jersey:

Statutory Definition: "harassment, intimation or bullying" means any gesture, any written, verbal, or physical act, or any electronic communication, whether it be a single incident or a series of incident that is reasonable perceived as being motivated either by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical or sensory disability; or by any other distinguishing characteristic that takes place (school, school property, school sponsored activity, or off school grounds as provided for in section 16), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a reasonable person should know, under the circumstances, will the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- · Has the effect of insulting or demeaning any student or a group of students; or
- Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Note: Bullying conduct that occurs off campus and is reported to school officials is included under the bullying definition.

lowa:

Statutory Definition: "Harassment" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act of conduct toward a student which is based on any actual or

perceived trait or characteristic of the student which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property.
- Has a substantially detrimental effect on the student's physical or mental health.
- Has the effect of substantially interfering with a student's academic performance.
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Definition: "trait or characteristic of the student" includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

Note: the law is applicable to both public school districts and nonpublic schools and has a data collection and posting requirement.

States that have a separate bullying definition:

South Dakota:

2012 Statutory Definition: Bullying is a pattern of repeated conduct that causes physical hurt or psychological distress on one or more students that may include threats, intimidation, stalking, physical violence, theft, destruction of property, any threatening use of data or computer software, written or verbal communication, or conduct directed against a student that:

- Places a student in reasonable fear of harm to his or her person or damage to his or her property; and either
- Substantially interferes with a students' educational performance; or
- Substantially disrupts the orderly operation of a school.
- For the purpose of this Act, bullying also includes retaliation against a student for asserting or alleging an act of bullying.

Note: Statute requires each school district to develop a policy that contains the definition of bullying in the act and other enumerated provisions. Statute includes what needs to be in the model bullying policy developed by the South Dakota State of Education.

Wisconsin:

The statute requires the Wisconsin Department of Education to develop a model policy by March 1, 2010. It must include a definition of bullying and other enumerated provisions. By August 15, 2010, each school board must adopt a policy prohibiting bullying. It is permissive for school boards to adopt the model policy, and it does not state that the district must adopt a policy that contains the definition contained in the model policy.

Model Policy Definition: Bullying is a deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be repeated behavior and involves an imbalance of power. The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age, national origin, race, ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status.

Examples of Bullying in the Model Policy:

- Physical (for example: assault, hitting or punching, kicking, theft, threatening behavior)
- Verbal (for example: threatening or intimidating language, teasing or name-calling, racist remarks)
- Indirect (for example: spreading cruel rumors, intimidation through gestures, social
 exclusion, and sending insulting messages or pictures by mobile phone or using the internet
 also known as cyber bullying)

North Dakota:

"Bullying" means: conduct that occurs (school, school property, or school-sponsored event) and which:

- Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities.
- Places the student in actual and reasonable fear of harm.
- Places the student in actual and reasonable fear of damage to property of the student; or
- Substantially disrupts the orderly operation of the public school; or
- Conduct that is received by a student while the student is in school, school property, or school-sponsored activity. Conduct includes the use of technology or other electronic media.

Note: the statutory definition excludes from the definition the receipt of cyber bullying conduct at home. Each district must adopt a policy that includes at least the conduct defined in the statute.

Massachusetts:

Statutory Definition: "Bullying" the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

- Causes physical or emotional harm to the victim or damage to the victim's property;
- Places the victim in reasonable fear of harm to himself or of damage to his property;
- Creates a hostile environment at school for the victim;
- Infringes on the rights of the victim at school; or

 Materially and substantially disrupts the educational process or the orderly operation of a school.

California:

Statutory Definition: "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in [], directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Statutory Definition of reasonable pupil: "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

California Model Policy: Bullying is a form of violence. It can be physical, verbal, psychological, or sexual. Here as some examples of bullying:

- Physical: Hitting, kicking, spitting, pushing
- Verbal: Teasing, threatening, name-calling
- Psychological: Excluding someone, spreading rumors, intimidation
- Sexual: Touching, assault, exhibitionism, and many of the actions listed above.
- Bullying may also occur through the Internet or other forms of technology. This is known as cyber bullying. It is sending or posting hurtful material.

Copies of the resolution agreements can be accessed on the OCR website: http://www2.ed.gov/about/offices/list/ocr/docs/investigations/index.html.

http://www.stopbullying.gov/.

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