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Cyberbullying Among School-Aged Adolescents and Teens: A Policy Review and Recommendations for Georgia

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Abstract

Britney S. Bennett

Cyberbullying Among School-Aged Adolescents and Teens: A Policy Review and Recommendations for Georgia (under the direction of Monica Haavisto Swahn, GSU Institute of Public Health)

Today, school bullying does not just stop in the schoolyard. When children return home after a school day filled with bullying incidents they are oftentimes tormented by a new phenomenon: cyberbullying. Cyberbullying is the willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices. Today, more adolescents and teens have access to technological mediums than ever before. Although different forms of technology can be used in productive manners, they are often misused and abused by youth to torment their peers. Cyberbullying is especially challenging because although most cyberbullying activities take place off school grounds, the sobering effects tend to penetrate the school environment.

Some researchers believe that cyberbullying can be even more detrimental than traditional bullying because cyberbullies can target victims through a variety of mediums, at any time. Cyberbullying can lead to harms ranging from short to long-term physical, psychological, intrapersonal and interpersonal effects in bullies, victims, and even cyberbystanders. Bullies are also at an increased risk for depression and suicide.

The ability to bully peers on unmonitored electronic devices gives bullies a sense of freedom. This differs vastly from traditional bullies who are more closely monitored by teachers, staff and other students. Information can also be disseminated to thousands of people at once when technological mediums are used. Even though some believe that victims of cyberbullying

should simply turn off their cell phones or delete online accounts, a more complex solution is needed. Technology has become a part of everyday life for most Americans.

School administrators struggle with the desire to help protect students from cyberbullying but are unsure of how they can intervene in activities involving off-campus behavior. These administrators have to find balance between protecting victims and avoiding violating the legal rights of bullies. Therefore, legislation and school policies must be updated and implemented to offer more guidance to administrators and protect students against cyberbullying.

The purpose of this capstone project is to synthesize cyberbullying research among school-aged children and describe current policies in place to address this problem. Finally, policy recommendations for the state of Georgia will be offered so that systems and programs created to respond to and prevent cyberbullying may effectively reduce the occurrence of this behavior.

INDEX WORDS: Cyberbullying, youth, adolescents, school, policy, legislation, state, Georgia

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Recommendations for Georgia

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Dedication

This manuscript is dedicated to every child who has ever been a victim of bullying. It is also dedicated to my parents, Roger and Linda Bennett, who have always believed in me even when I did not believe in myself.

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Monica Swahn

Rodney Lyn

Author's Statement Page

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Chapter I
INTRODUCTION

"Cyberbullying Among School-Aged Adolescents and Teens: A Policy Review and Recommendations for Georgia"

"We've got to dispel the myth that bullying is just a normal rite of passage that it's some inevitable part of growing up. It's not. We have an obligation to ensure that our schools are safe for all of our kids."

-President Barack Obama[1]

Gone are the days when bullies simply stole lunch money or told their victims to meet them in front of the school at 3 o'clock. Instead of using their fists on the playground, bullies are now using malicious picture mail, threatening texts, and fake Facebook accounts to bully their victims from the comfort of their own homes. Cyberbullying, a new phenomenon, is the "willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices" (Hinduja, 2010).

Today, more adolescents and teens have access to technological mediums than ever before. The large increase in Internet use of 12 to 17 year old youth throughout the last decade, coupled with the lack of adult online supervision, has created an opportunity for cyberbspace to be a prime medium for bullying (Lenhart, 2005). Although different forms of technology can be used by students to help complete class projects, improve skills in difficult subjects, and gain exposure to new ideas and educational opportunities, many technological mediums are being misused and abused by youth to torment their peers.

Some researchers believe that cyberbullying can be even more detrimental than traditional bullying because cyberbullies can target victims through a variety of mediums, at any time. Cyberbullying can lead to harms ranging from short to long-term physical, psychological,

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[1] *See* President Barack Obama, Address Regarding Anti-Bullying (2010), *Retrieved from* http://www.whitehouse.gov/blog/2010/10/21/president-obama-it-gets-better.

intrapersonal and interpersonal effects in bullies, victims, and even cyberbystanders. Bullies are also at an increased risk for depression and suicide.

The ability to bully peers on unmonitored electronic devices gives bullies a sense of freedom. This differs vastly from traditional bullies who are more closely monitored by teachers, staff and other students. Cyberbullies are able to maintain a certain level of anonymity, and harmful information can be disseminated to thousands of people at once when technological mediums are used. Parents are oftentimes reluctant to search their children's laptops and children are often equally reluctant to report cyberbullying incidents to their parents out of fear of having their Internet privileges revoked (Juvonen, J. & Gross, E., 2008). Even though some believe that victims of cyberbullying should simply turn off their cell phones or delete online accounts, a more complex solution is needed. Technology has become a part of everyday life for most Americans.

Cyberbullying is especially challenging because although most cyberbullying activities take place off school grounds, the sobering effects tend to penetrate the school environment. School administrators struggle with the desire to help protect students from cyberbullying but are unsure of how they can intervene in activities involving off-campus behavior. These administrators have to find balance between protecting victims and avoiding violating the legal rights of bullies. Therefore, legislation and school policies must be updated and implemented to offer more guidance to administrators and protect students against cyberbullying.

Cyberbullying-induced suicide and online victimization calls for an immediate response by Georgia legislatures. This paper will explore the issue of cyberbullying among school-aged children and adolescents in schools across the United States. It will include an examination of how both cyberbullying legislation and school policies can be used to help alleviate the nation's school bullying problem. More specifically, this paper will suggest that Georgia legislatures

amend its current anti-bullying legislation to include language that 1) clearly defines the term "cyberbullying"; 2) regulates both on and off-campus activities; 3) requires a safe reporting protocol for cyberbullying victims or bystanders; 4) uses enumeration to provide a non-exhaustive list of examples of groups of students who are often bullied by peers; 5) requires cyberbullying training for all teachers and staff; 6) mandates education for parents and students on the danger of cyberbullying; and 7) requires schools to report cyberbullying statistics to the Georgia Department of Education.

A review of the literature will be completed to help explore the following questions:

1) What is the extent of the cyberbullying problem?

2) What are the commonalities and differences between cyberbullying and traditional bullying?

3) What are some characteristics of cyberbullies and their victims?

4) What are the harmful effects of cyberbullying?

5) What types of cyberbullying legislation exists currently?

6) How does Georgia's current anti-bullying legislation address cyberbullying?

7) What are the legal challenges that schools should be aware of when drafting and implementing cyberbullying policies?

8) How can educators, parents, and students address and help prevent cyberbullying?

Chapter II
LITERATURE REVIEW

What is cyberbullying?

Today, bullying does not just stop in the schoolyard. When children return home after a school day filled with bullying incidents they are often tormented by a new phenomenon: cyberbullying. Cyberbullying is the "willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices" (Hinduja, 2010). It is comprised of four components: (1) deliberate behavior, not merely accidental; (2) repeated behavior, more than one-time incident; (3) harm occurred – from the victim's perspective; and (4) it is executed through a technological medium (Hinduja, 2010). Cyberbullies use different types of electronic mediums to bully their victims. These mediums may include text/instant messaging, blogs, e-mail, social networking websites, and chat rooms (Kowalski, 2007; Mason, 2008; Smith et. al, 2008).

Extent of the Problem

According to the Cyberbullying Research Center, approximately 50% of young people have experienced some form of cyberbullying, with 10-20% experiencing it on a regular basis ("Cyberbullying Research Center"). When participants in 2011 High School Youth Behavior Survey if they had been electronically bullied, including e-mails, chat rooms, instant messaging, or texting, during the 12 months before the survey, 16.2 percent of U.S. participants reported yes while only 13.6 of Georgia participants reported that they had been electronically bullied (YRBS, 2011). Although Georgia participants reported a lower number of cyberbullying incidents, 10.8 percent of the participants reported that they had attempted suicide one or more times during the 12 months before the survey, which is higher than the national average of 7.8 percent (YRBS, 2011). In Georgia, 17.5 percent of females and 9.4 percent of males (YRBS, 2011). Further,

among male and female Georgia participants, 18.8 percent of Hispanics reported that they had been electronically bullied, including e-mails, chat rooms, instant messaging, or texting, during the 12 months before the survey compared to 16.4 percent Whites and 7.3 percent blacks (YRBS, 2011).

More than 80% of teens use a cell phone on a regular basis, making it the most common medium for cyberbullying ("Cyberbullying Research Center"). At least 25% of adolescents and teens have been repeatedly bullied through their cell phones or the Internet (i-safe Foundation, 2004). In fact, 1 out of 10 adolescents or teens have had embarrassing, comprising, or damaging pictures taken of themselves with a camera phone, absent their permission (Hinduja, 2008b). With the growing usage of technological devices among the nation's teens and adolescents, there is a call for legislation and school policies to address cyberbullying and stop its negative effects.

Cyberbullying v. Traditional Bullying

There are several differences between cyberbullying and traditional bullying. Traditional bullying is defined as a form of aggressive behavior, characterized by deliberate, repeated, and harmful abuse of power against victims who are not able to easily defend themselves (Olweus, 1993). Traditional school bullying takes place in many forms and can be categorized in the following ways: physical bullying, verbal bullying, social exclusion, and extortion (Smith, 2003). Physical bullying includes any overt physical aggression, such as kicking, spitting, slapping, or punching. Verbal bullying includes verbal aggression, such as name calling, teasing, threatening speech, or insulting. Social exclusion includes behavior that leads to the isolation of another student, such as spreading harsh rumors, instructing others not to play with or befriend a particular student, or ignoring a student. Extortion includes demanding money or property from another student (Smith, 2003).

On the other hand, some researchers support the idea that cyberbullying can be even more detrimental than traditional bullying because cyberbullies can target victims through a variety of mediums, at any time. There are many forms of cyberbullying including online harassment, outing, flaming, impersonation/masquerading, exclusion, cyberstalking, and denigrating (Hinduja, 2009; Kowalski et al., 2008; Willard, 2006). Online harassment is repeatedly sending out offensive messages online. Outing involves posting or sending out information about a person that is sensitive or private. Flaming occurs when individuals or groups become the target of hostile and rude messages through an electronic means. Impersonation/Masquerading entails pretending to be someone else on the Internet with the intention of attacking his or her character. This can be accomplished by either making a fake profile or by stealing a victim's password. Exclusion means to intentionally exclude someone from an online group. Cyberstalking means using the Internet to harass another with threatening or intimidating messages. Denigrating means posting cruel messages about a person, such as about their appearance (Kowalski et al., 2008; Trolley, et al., 2006; Willard, 2006).

Cyberbullying does share three common characteristics with traditional bullying. Each type of bullying involves 1) aggressive and malicious behavior, 2) an imbalance of power between the two parties, and 3) repetitive behavior over a span of time (Hinduja, 2010). The key difference between traditional bullying and cyberbullying is that the latter involves an electronic means to conduct bullying activities. This difference makes cyberbullying more difficult to regulate and gives the cyberbully certain advantages that he or she may not have when engaging in traditional bullying.

The first advantage is that cyberbullying offers a certain level of anonymity for perpetrators. For example, fake e-mail accounts and login names allow for bullies to harm

victims with no repercussions because of the difficulty in determining an aggressor's identity. Additionally, many phone companies allow for users to select privacy options that block their personal phone numbers. These offerings foster an environment where bullies feel more empowered to engage in malicious attacks because they lack the fear of being caught and held accountable for their actions. Further, online conversations do not allow for the exchange of tone, inflection, and facial expressions. This lack of body language may lead to a bully not realizing the seriousness of his or her statements before someone gets hurt (Kowalski, 2008).

Another distinct difference between bullying and cyberbullying is that the latter allows for hurtful and degrading information to be disseminated to thousands of people in the matter of seconds. This damaging information can be sent to people around the world, including a person's friends, family, future employers and peers. These harmful comments, pictures, or other content can severely damage a person's reputation. They may also affect one's ability to become gainfully employed and can lead to extensive psychological effects.

Overall, cyberspace lacks the same amount of supervision that is present in settings where traditional bullying oftentimes takes place (Li, 2006). This gives cyberbullies a sense of power and control (Milson & Chu, 2002). Although the content in Internet chat rooms is typically monitored, bullying that occurs between personal cell phones and laptops is often outside of regulatory reach. Further, many children have laptops and other electronic resources in their bedrooms. The location of these devices serves as a deterrent to parents and guardians who do not want to feel as if they are prying or snooping in their children's personal lives. Even though some believe that victims of cyberbullying should simply turn off their cell phones or delete online accounts, a more complex solution is needed. Technology has become a part of everyday life for most Americans. Educators have moved towards using more technology to teach lessons

to students and cell phone texting has become the main means of communication between teens and their peers. ("Pew Research", 2010).

Characteristics of Cyberbullies and Victims

There are some children and adolescents who are more prone to be a cyberbully. Cyberbullies typically have poor relationships and emotional bonds with their parents, a smaller amount of parental supervision, and tend to associate with delinquent peers (Ybarra, 2007b). There seems to be a correlation between age and cyberbullying involvement. Cyberbullying frequency is highest among adolescents age 13 to 15 (Calvere, 2010). It has been found that younger children engage more often in traditional bullying as opposed to cyberbullying (Kowalski, 2007). This is most likely partially due to younger children not having the same amount of a access to computers, cell phones, and other electronic devices. There is a strong correlation between substance abuse and cyberbullying (Ybarra, 2007a). Also, victims or perpetrators of traditional bullying are more likely to be cyberbullies (Ybarra, 2007a).

It appears that although the motive to cyberbully is quite similar to the motive to engage in traditional bullying acts, the characteristics of a "bully" seem to differ. The advantage of having anonymity online has empowered those who would typically lack the confidence and will to bully others (Shariff, 2008). Now those, students who would normally never be expected to engage in bullying are becoming cyberbullies. This could include the overweight girl who sits alone at lunch, the nerdy boy with the squeaky voice, or the student who has a bad stutter (Goodstein, 2007).

In terms of victim profiles, girls have been found to be victims of cyberbullying more often than boys. Cyberbullying victims are often victims in other sectors of their lives, such as traditional bullying on school grounds (Hoff & Mitchell, 2009). Researchers have found that

students who are victims of cyberbullying use the Internet more than non-victims on average (Kiriakidis, 2010). Likewise, adolescents who use the Internet daily or who have social networking accounts are more likely to have reported online harassment (Lenhart, 2010). A study of 935 adolescents between 12 and 17 years of age revealed that participants with online profiles were more likely to be cyberbullied than those without profiles (Mesch, 2009).

One complication that is associated with cyberbullying is that it is not always easy to separate the cyberbully from the cyberbullied. After the cyberbully victim retaliates to the cyberbully, he or she can no longer claim to be the victim. Throughout the cyberbullying activities, they will each take turns being the victim and the bully (Willard, 2007).

Impact of Cyberbullying on Bullies, Victims and Bystanders

Cyberbullying can lead to negative effects on bullies, victims and even "bystanders" who receive or view acts of cyberbullying, such as text messages, social network postings, e-mails or videos. This harm ranges from short to long-term psychological, social, and academic effects (Davis, 2007).

<u>Psychological Effects</u>

Cyberbullying may lead to psychological and interpersonal effects in cyberbullies, victims, and cyberbystanders (Li, 2006; Mason, 2008; Schafer, 2004). Victims may have several responses to cyberbullying (Kohut, 2007). Even a single episode of cyberbullying can create emotional distress (Ybarra, 2004). Unfortunately, victims may experience the negative effects of bullying long after childhood since the effects can carry into adulthood. Those who are victims of bullying during childhood are more likely than non-victims to report depression, anxiety, social phobia, low self-esteem, relationship dysfunction, and loneliness (Schafer, 2004). Cyberbullying can lead to victims having a distrust of others. Unlike with traditional face-to-face bullying,

cyberbullying opens the door to anonymity, which makes it difficult for a victim to know who the perpetrator is. This can leave the victim feeling very paranoid and vulnerable because he or she does not know who is trying to commit the harm (Willard, 2007).

Cyberbullies are at risk for lacking compassion for others in the long term. Eventually they may become desensitized to bullying, which becomes a normal part of life. One report revealed that 60% of boys who were classified as bullies in middle and high school have been convicted of one or more crimes before they have reached the age of 25, and 40% of those had three or more convictions by age 24 (Fox, 2003). Bullies are even at an increased risk for depression and suicide (Elinoff et al., 2004). They may also experience difficulty in maintaining healthy interpersonal relationships and possibly become abusive parents or spouses (Davis, 2007).

Aside from bullies and victims, "cyberbystanders" can also experience negative effects from cyberbullying incidents. In the case of cyberbullying, bystanders are those who view malicious mass texts or picture mail concerning another peer. Cyberbystanders oftentimes feel distressed, helpless and fearful of becoming a target (Whitted, 2005). Oftentimes, they hold on to guilt for not assisting the victim. They may also harbor anger towards themselves and the bully. Cyberbystanders may also feel insecure at school and become inattentive in class as their attention is directed toward avoidance of becoming the next cyberbullying victim (Feinberg, 2009).

Bullies have been shown to exhibit antisocial behavior, and take part in gang and delinquent activities (Neman-Carlson, 2004). For instance, bystanders of bullying incidents may experience slanted views of personal responsibility, confusion of boundaries concerning acceptable behavior, desensitization toward antisocial acts, and inability to solve problems assertively (Kohut, 2007).

<u>Academic Effects</u>

Some studies have even shown that victims may experience academic troubles due to bullying (Devlin, 1997; Shariff and Strong-Wilson, 2005). For example, researchers in the Connolly study revealed that approximately ninety percent of victims experience a drop in grades after being bullied (Connolly, 2012). Other studies have shown that there is a link between school safety and academic success (Wallace, 2011). In a recent report, the United States Department of Justice and the National Association of School Psychologists (NASP) stated that approximately 160,000 students miss school each day out of fear of being bullied (Newman-Carlson, 2004). Many students suffer from bullying victimization, which creates a school environment where they do not feel safe and thus, "perform poorly, skip classes, or skip out entirely" (Wallace, 2011). Bullies may choose to behave aggressively rather than pursuing academic achievements, making them more likely to drop out of school (Neman-Carlson, 2004).

<u>Cyberbullicide</u>

In recent years, cyberbullying has been linked to teen suicide. One study observed 2,000 middle school youths, suicidal inclination was higher among those who were either victims or perpetrators of bullying or cyberbullying (Hindjua, 2010). Being a victim is a slightly stronger predictor of suicidal thoughts and attempts; victims of cyberbullying were 1.9 times more likely and perpetrators of cyberbullying were 1.5 times more likely to have attempted suicide (Foderaro, 2010). In recent years, multiple cases involving cyberbullying-induced teen suicides have received national media coverage. One of the most recognized cases involved Tyler Clementi, a Rutgers University freshman, who leaped off of a bridge to his death after his roommate "outed" him on the Internet by posting a video of him having a "sexual encounter" with another young man online (Foderaro, 2010).

Another incident involved a thirteen-year-old girl named Megan Meier, who committed suicide after being cyberbullied by a classmate's mother who created a false identity on MySpace as a boy, courted her, and then maliciously turned against her and posted that "[t]he world would be a better place without [her]" (Magg, 2007). There was also Phoebe Prince who was viciously cyberbullied by classmates for three months before she committed suicide by hanging herself in her bedroom (Eckholm, 2010). The link between cyberbullying to teen suicide calls for the immediate attention of school personnel and state legislatures.

Cyberbullying Legislation Among States in the U.S.

There have been no U.S. Supreme Court decisions regarding cyberbullying as of yet. In recent years, however, cyberbullying has gained widespread attention across the United States. In response, some states have passed cyberbullying legislation to combat this public health problem. There are several trends that have been spotted within pieces of state level anti-bullying legislation that provide protection against cyberbullying including 1) a clear definition of cyberbullying; 2) language that extends the reach of schools to off-campus activities; 3) anonymous reporting systems in schools 4) use of enumeration; 5) training of educators and school personnel; 6) education for parents and students; and 7) mandatory statistics reporting. States that include the majority or all of these components are among the most comprehensive policies and offer their students the most protection against cyberbullying. (See Table 1 for a National Cyberbullying Legislation Chart).

Georgia's Cyberbullying Legislation

Current Legislation

Georgia's current anti-bullying legislation does provide students with a certain level of protection. First, the statute does require local school districts and boards to have an anti-bullying

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policy in place. The legislation also requires teachers and staff to receive character education, which includes a bullying education and training component. The statute also calls for anonymous reporting of bullying incidents for students, teachers and staff to use.

Georgia's current anti-bullying legislation, however, is not as comprehensive as it could be. The statute does not include a clear definition of cyberbullying, cover off-campus activity, or use enumeration. It does not require schools to provide education for students and parents or report bullying statistics to the Georgia Department of Education. Thus, there are several improvements that can be made to Georgia's current anti-bullying legislation. (See Appendix A for Georgia's current anti-bullying legislation).

Proposed 2013 Legislation

In recent years, there have been several attempts to amend Georgia's current legislation to give more protection to the state's children. This year is no exception. HB 305, also known as "The End to Cyberbullying Act" was proposed during the 2013 legislative session. The bill was sponsored by Representative BJ Pak, and it was heavily supported by the Anti-Defamation League. The proposed legislation included a clear definition of cyberbullying and covered off-campus activity, which are crucial components to improving Georgia's anti-bullying legislation. Unfortunately, this piece of legislation was not passed into law. It succeeded to the House Second Readers stage and was not heard by the Senate.

Cyberbullying impacts students across the nation. The psychological, social, and academic effects are resounding. Anti-bullying legislation which includes a clear definition of cyberbullying and covers off-campus behavior is needed at a minimum. In the future, Georgia legislatures should take a comprehensive approach and pass legislation that offers even more

protection against cyberbullying. The legislative recommendations in the following section offer

this comprehensive approach.

Chapter III
DISCUSSION

Legislative Recommendations for Georgia

Cyberbullying is a public health problem across the United States. The statistics of cyberbullying in Georgia are not known. It is, however, well settled that cyberbullying affects teens and adolescents in every state. Oftentimes, an effective way to improve public health outcomes is to make a change on the policy level. Prominent researchers in this area have stated "one of the most important steps a district can take to help protect its students and protect itself from legal liability is to have a clear and comprehensive policy regarding bullying and harassment, technology, and their intersection: cyberbullying" (Hinduja and Patchin, 2008a). Therefore, Georgia legislatures should consider the following legislative recommendations to help guide its school districts to draft and implement effective anti-cyberbullying policies.

Recommendation #1 – Include a Clear Definition of Cyberbullying

A clear definition of the phrase cyberbullying within legislation and school policies would help to increase student safety. Currently, thirty-eight (38) states provide some treatment of cyberbullying, or bullying involving electronic acts within their definitions (Sacco, 2012). In terms of the treatment of cyberbullying or bullying involving electronic acts in statutory bullying definitions, states have approached cyberbullying legislation in either one of two ways. First, the majority of these states include bullying involving electronic acts in the definition of bullying. Second, a minority of states addressing cyberbullying chose to define cyberbullying more specifically (Sacco, 2012).

Georgia law falls under the first approach. Using the phrase "electronic act" leads to vagueness and ambiguity. Educators need to know exactly what types of behaviors cyberbullying

includes so that they can protect students from this activity. Thus, Georgia legislatures should amend its current anti-bullying legislation to include a clear definition of cyberbullying.

Recommendation #2 - Language that Extends the Reach of Schools to Off-Campus Activities

It is important that states enact cyberbullying legislation that encompasses off-campus cyberbullying activities that disrupt the school environment. Currently, states approach off-campus bullying in one of three ways requiring schools to enact: (1) policies limited to bullying on campus or at school activities; (2) policies that may reach bullying outside of school; and lastly (3) policies that explicitly include off-campus activities (Sacco, 2012).

The first option only covers cyberbullying generated on-campus through school computers, but fails to protect students from the effects of cyberbullying off-campus. This option offers the least amount of protection because most school districts restrict computer access to websites, such as Facebook and Twitter, where the majority of cyberbullying acts occur. The second option offers protection from cyberbullying when the activity disrupts the school environment. This option may cover cyberbullying off-campus but the language does not explicitly state that it does and therefore, does not send a clear message about the serious consequences of off-campus bullying. Lastly, the third approach offers the most protection from off-campus cyberbullying. The policies under this option expressly mention activities that occur off-campus by using language like "outside the school settings", "bullying of a student while off school property" or "occurs off school property" (Sacco, 2012). Thus, this paper recommends that states choose to adopt cyberbullying legislation that provides protection not only for cyberbullying conducted on campus but also provides further protection by expressly mentioning activities that occur off-campus.

Recommendation #3 – Safe Reporting Protocol

Cyberbullying presents an additional challenge because students often fail to report cyberbullying incidents to teachers or parents. One study showed that 90% of youth reported *not* telling adults about cyberbullying incidents (Juvonen, J. & Gross, E., 2008). The results of the study revealed that the most common reason that participants cited for not telling an adult was that they felt they needed to "learn to deal with it" by themselves. Approximately, one-third of the participants stated that they did not tell an adult about cyberbullying incidents out of fear that there Internet privileges would be restricted (Juvonen, J. & Gross, E., 2008). One-third of 12 to 14-year-olds reported that they do not report cyberbullying incidents out of fear that they will get in trouble with their parents.

Additionally, victims sometimes fear that cyberbullying will just worsen if they tell an adult. Thus, due to the fear that youth and adolescents have with reporting cyberbullying incidents to adults, the law should require Georgia's schools to enact policies, which call for safe reporting protocol. The legislation could mirror Florida's cyberbullying legislation, which requires schools to have a designated faculty or staff member to whom students may anonymously report cyberbullying incidents.

Recommendation #4—Use of enumeration

There are several groups who have been identified as having a higher likelihood of being targeted as a school bullying or cyberbullying victim. The United States Supreme Court has discovered that enumeration is a great tool to implement in cyberbullying legislation. First, enumeration can help to fight against the nation's school bullying problem. Enumeration is when a law identifies types of individuals or things that need to be protected. Generally, these individuals or things are referred to as groups or classes. It is important to note, however, that

enumerated lists are not conclusive in the classes or groups that are protected, but they simply offer examples of those classes or groups who are often targeted by bullies.

According to a report created for the White House Bullying Prevention Summit, some prevalent individual risk factors for bullying and victimization are gender and gender expression, sexual orientation, ethnicity, religious orientation, academic performance, socioeconomic status and disability (Napolitano, 2011). According to one report, one in five students are bullied each year, and those numbers increase to nine in ten for gay and lesbian students (Bennett, 2010). Thus, efforts to reduce cyberbullying must also account for these more vulnerable groups of students.

Some researchers believe that enumeration is necessary to protect as many students as possible from bullying and harassment (Stuart-Cassel, 2011). An enumerated law or policy offers the greatest amount of protection because it emphasizes not only that *all* students are protected; but also highlights those students (i.e. immigrants or transgender students) that have been shown to most likely be bullied and harassed and least likely to be protected by generic "safe schools" laws and policies due to lack of specificity (Stuart-Cassel, 2011).

Many teachers have reported that they do not feel empowered to address bullying on school property. In response to this void, researchers have found that the presence of enumeration in bullying legislation and school policies empowers school faculty and staff to intervene in bullying incidents. Oftentimes, school personnel often fear that they will themselves be targeted for intervening on behalf of LGBT students (GLSEN, 2008). Reports have found that when they can point to language that provides clear protection of students, they feel more comfortable enforcing the policies (Kosciw, 2006).

Research has also shown that students in states with generic laws are no more protected from bullying than students who live in states without any anti-bullying and harassment laws ("Harris Interactive", 2005). Students report less overall harassment when they know their school has a comprehensive policy that includes enumeration. Students from schools with an enumerated policy report that others are harassed far less often in their school for reasons like their physical appearance, their sexual orientation, or their gender expression (Kosciw, 2006).

The United States Department of Education even recommends that enumeration be used in anti-bullying legislation (Stuart-Cassel, 2011). Overall, enumeration not only makes it easier for teachers and other school staff to intervene but it also makes students feel safer. As of right now although forty-nine states (all except Montana) have passed some type of anti-bullying legislation, only nineteen states include language that names or references protected classes. Therefore, this paper recommends that Georgia legislators amend the current anti-bullying legislation by incorporating enumeration into the language.

Recommendation #5 –Training for Teachers and Staff

Teachers play an essential role in helping to address cyberbullying among Georgia's school-aged adolescents and teens. Yet, teachers have reported that they do not feel empowered to intervene in cyberbullying incidents that take place off-campus. Cyberbullying trainings for teachers and staff are vital in stopping cyberbullying in the state (Glasner, 2010). Fortunately, Georgia passed legislation in 1999, which mandates character education training courses for Georgia teachers and school staff (O.C.G.A. 20-2-145). The trainings focus on building positive character development amongst students and creating a thriving classroom environment. The state mandated trainings are relevant because they incorporate bullying prevention.   The law reads "such program shall also address…methods of discouraging bullying and violent acts

against fellow students" (O.C.G.A. 20-2-145). The trainings "provide opportunities for parental involvement in establishing expected outcomes of the character education program" (O.C.G.A. 20-2-145).

Recommendation #6—Require Schools to Offer Education for Parents and Students

It is equally important that students and their parents are educated about cyberbullying and its effects. First, students must be aware of the dangers that cyberbullying activities present. They must be held accountable for their actions and realize the harm that words alone may have. Second, parents play a key role in preventing or impeding cyberbullying. These activities often take place in their homes through the use of electronic devices they purchased for their children. The disconnect often takes place because children oftentimes understand the electronic mediums that are used to cyberbully more than their parents (Hinduja & Patchin, 2008).

There have been multiple signs that school-aged teens and adolescents show when cyberbullying has taking place. Parents need to be taught how to look for signs that their child is being cyberbullied. Parents should be aware if they may be involved in cyberbullying start to show signs of depression or anxiety when text messages or e-mails arrive, withdraw from fiends and family, ignore normally enjoyed offline activities to participate in Internet activities, fall behind on their homework, or strive to maintain secrecy while on the Internet (Feinburg & Robey, 2009).

Recommendation #7 – Require Cyberbullying Statistics Reporting to the Georgia DOE

To appropriately address the cyberbullying problem, Georgia must first be aware of its local bullying trends. States differ in statistics reporting in two main ways. First, states vary in who receives the reported bullying data. Second, states vary in what content is actually required in the bullying reports. In terms of who actually receives the bullying statistics report, state

statutes typically fall into one of four categories: (1) the statute fails to include statistics reporting in their anti-bullying statute altogether; (2) the statute requires each school to report bullying statistics to the local school board; (3) the statute instructs each school to provide the State Department of Education with its bullying statistics and (4) the statute mandates each school district to report its bullying statistics to the Department, who then reports the statistics to both chambers of the state legislature (Sacco, 2012).

States also differ in the level of specificity of the data found in bullying reports. There are three main categories that states fall under where statistics reporting is required. First, the most relaxed statute only requires reporting the number of bullying incidents. Second, the moderate statute requires the number of bullying incidents, as well as the manner in which the incident is resolved. Third, the most specific statute requires the number of bullying incidents, the manner in which it is resolved, and a separate report of incidents that do not fall under the existing definition of bullying but should be addressed with recommendations (Sacco, 2012). Therefore, this paper recommends Georgia legislatures implement bullying statistics reporting requirements that not only include a mandate to report bullying incidents the and at a minimum Department of Education include a reporting requirement of the number of cyberbullying incidents, and the manner in which they were resolved.

Legal Challenges

There are some legal challenges that legislators and school personnel should consider when implementing cyberbullying laws and school policies (Shariff, 2004; Shariff, 2007). These laws and policies oftentimes present First, Fourth, and Fifth Amendment challenges.

First Amendment Challenges

The biggest legal challenge that cyberbullying laws present is to First Amendment Free

Speech ("Wired Safety", 2011; Goodno, 2011). While the United States Supreme Court has yet to directly rule on a school bullying case or how far a school district's reach may extend off-campus there are several cases that have laid the groundwork for how courts address Internet speech among school-age adolescents and teens. These cases include *Tinker v. Des Moines*; *Bethel School District No. 403 v. Fraser*; *Hazelwood School District v. Kulhmeier*; and *Morse v. Frederick*. In these seminal cases, the Court established that student speech can be regulated in the public school environment if the speech can "materially and substantially disrupt[s] the work and discipline of the school," is vulgar and lewd and serves to "undermine the school's basic educational mission", is school-sponsored expressive content that could be seen as endorsed by the school as long as the school's editorial control is "reasonably related to legitimate pedagogical concerns," or can "reasonably be regarded as encouraging illegal drug use (Tinker, 393 U.S. 503 (1986); Morse v. Frederick, 551 U.S. 393 (2007); Bethel Sch. Dist. v. Fraser, 478 U.S. 675 (1986); Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988)).

<u>The Four Supreme Court Cases defining when Schools may Regulate Student Speech</u>

<u>Tinker v. Des Moines School District</u>

In *Tinker v. Des Moines School District* (1969), the Supreme Court recognized that students have First Amendment rights. In this case, numerous students decided to wear black armbands during school hours to silently protest the Vietnam War. Once school officials became aware of the plan, the school adopted a policy banning students from wearing armbands. Five students were suspended for breaking this policy. The students then sued the school district and the case made it all the way to the Supreme Court. The Court held that the students' conduct was not disruptive and thus, was to be considered, "pure speech" which warrants full First Amendment protection (Tinker v. Des Moines School District, 1969).

Writing for the majority, Justice Fortas stated that it would be absurd to expect teachers or students to "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (Tinker v. Des Moines School District, 1969). The court stated that in regards to the First Amendment, there must be a balance between the free speech rights of students and the need to maintain a safe and effective learning environment. The Court highlighted that schools were not permitted to limit otherwise protected student speech due to "a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint" (Tinker v. Des Moines School District, 1969).

The court, however, did recognize that there should be some restrictions on student speech and held that student speech may be prohibited when it "materially interferes or substantially disrupts the educational environment" (Tinker v. Des Moines School District, 1969). Despite the argument that "substantial disruption" may be viewed as overly broad or vague, many courts have applied the Tinker standard in subsequent cases and legislation involving First Amendment Free Speech rights. In particular, *Fraser*, *Hazelwood*, and *Morse* added specific limitations to students First Amendment rights.

Bethel School District No. 403 v. Fraser

In *Bethel School District No. 403 v. Fraser* (1986), the Supreme Court found that it is constitutional for school districts to ban speech that is "offensively lewd and indecent." In this case, Matthew Fraser – a student at Bethel High School gave a speech that contained elaborate, graphic, and explicit sexual metaphors. He was subsequently suspended for three days for violating the school's code of conduct. Despite his efforts to argue that his behavior did not substantially disrupt the classroom environment, he was still suspended. Although the Court mentioned Tinker in its decision and acknowledge that students do retain their First Amendment

rights while at school, the Court noted the need for a balance between the freedom to support unpopular and controversial news in school with "the boundaries of socially appropriate behavior" (Bethel School District No. 403 v. Fraser, 1986).

In this case, the Supreme Court created a new rule that identified lewd and offensive student speech as constitutionally unprotected. The Court held that the First Amendment rights of students in public school "are not automatically coextensive with the rights of adults in other settings" (Bethel School District No. 403 v. Fraser, 1986). It went on to highlight that vulgar and lewd speech in schools is not covered under the Frist Amendment because this types of speech "undermine[s] the schools basic educational mission" (Bethel School District No. 403 v. Fraser, 1986).

Hazelwood School District v. Kuhlmeier

Third, school districts may limit speech that may otherwise be protected if the speech appears to be endorsed by the school. In *Hazelwood School District v. Kuhlmeier* (1987) students claimed their First Amendment rights were violated and sued their school district after their principal deleted two pages from a student newspaper, which included a story about students' experiences while pregnant and another article addressing the effects of divorce on students. Although the articles had been written and edited as a part of a class, the principal was very concerned because several students a parent were identified, in the articles. Since there was no time to make the necessary changes before the paper went to print, the principal simply deleted the pages (*Hazelwood School District v. Kuhlmeier*, 1987).

This case also reached the Supreme Court., which decided to focus on the difference between tolerating student speech and promoting student speech. The Court held that whenever a student's speech is conveyed through a school-sponsored publication or medium (i.e. a school

newspaper), school officials are "entitled to exercise greater control" as opposed to situations where students convey a message through their own medium (Hazelwood School District v. Kuhlmeier, 1987). The policy is in place "to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that maybe inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school" (Hazelwood School District v. Kuhlmeier, 1987).

Morse v. Frederick

Lastly, *Morse v. Frederick* (2007) was the first case that addressed student speech originating off-campus. In this case, the Supreme Court held that school districts have the authority to limit student speech that encourages illegal drug use (Morse v. Frederick, 2007). Juneau-Douglas High School hosted an event during school hours to support the Olympic Torch Relay that was passing by the front street on campus. Joseph Frederick, a student, stood on the opposite side of the street and along with some friends held up a 14-foot banner stating "BoNg HiTS 4 Jesus" as the ceremony and camera crews passed by (Morse v. Frederick, 2007). After viewing the footage, principal Morse approached Frederick and his friends and ultimately suspended Frederick for several days when he refused to take it down. The Court held that the principal's actions did not violate the First Amendment because schools are permitted to take steps to protect individuals entrusted to their care from speech that can be reasonably regarded as promoting illegal drug use.

Fourth Amendment Challenges

In addition to First Amendment legal challenges, cyberbullying legislation and school policies must account for potential Fourth Amendment challenges ("Wired Safety", 2011; Goodno, 2011). The Fourth Amendment prohibits unreasonable searches and seizures. After a

student reports a cyberbullying incident to school officials, the officials must then approach their investigation with caution, so as to not violate the Fourth Amendments prohibition of unreasonable searches and seizures of students' personal electronic devices (i.e. cell phones, laptops, or e-tablets).

New Jersey v. T.L.O (1985) is the current authority on the Fourth Amendment application to schools. In T.L.O. a high school teacher found students smoking cigarettes in a school bathroom (New Jersey v. T.L.O, 1985). Smoking cigarettes on school property was in violation of the school's rules, thus, a school official searched one of the student's purse for cigarettes. Once the cigarettes were found the official continued to search through the purse and found drug paraphernalia. The student petitioned the court to suppress the evidence that was found in her purse because it was in violation of her Fourth Amendment rights (New Jersey v. T.L.O, 1985). The Supreme Court held that although students should have a legitimate expectation of privacy in the private property they bring to school, the student's interest must be balanced against the interest that school officials have "in maintaining discipline in the classroom and on school grounds" (New Jersey v. T.L.O, 1985).

The Court in T.L.O. establishes a two-prong test to assess the reasonableness of a public school official searching a student's personal property. First, the school officials search must be justified at inception. This means that there must be "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school" (New Jersey v. T.L.O, 1985). Second, the scope of the search has to be "reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction" (New Jersey v. T.L.O, 1985). Therefore, using the T.L.O. standard, school officials should ensure that there are reasonable grounds to

complete a search and that the search is reasonable in scope when investigating cyberbullying incidents.

Fifth Amendment Challenges

Another legal challenge that may arise from the passing of cyberbullying legislation that regulates school policies involves the violation of due process rights ("Wired Safety", 2011). The Due Process Clause of the Fifth Amendment ensures notice and an opportunity to be heard. Students may challenge a school's cyberbullying policy as unconstitutionally vague, for example. There are two different challenges to school cyberbullying policies based on vagueness: the policy is (1) vague as to the definition of what constitutes cyberbullying or (2) fails to give proper notice of the regulation. Thus, first it is important that schools craft cyberbullying policies that are not vague.

Although schools are given flexibility in terms of their disciplinary procedures school regulations, these policies may still be found to be unconstitutionally vague or overbroad. (Goodno, 2011). Courts are inclined to support a vague or overbroad challenge of a law when specific terms within the language of the law are not specifically defined. Thus, a school cyberbullying policy should outline a clear definition of "cyberbullying." For this reason, it is important that school cyberbullying policies include language set out in the seminal cases, such as *Tinker*, *Hazelwood*, *Watts,* and *Morse*. For instance, a school cyberbullying policy may ban the use of electronic devices to make an electronic communication that was intended to substantially "impinge on the rights" of others at school or "materially disrupt" school operations.

The second prong of avoiding due process claims involves states ensuring that schools place both students and parents on notice of the details of the school cyberbullying policies. (Goodno, 2011). There are three components that must be included to ensure proper notice.

First, students due process rights might be violated if students do not receive sufficient and actual notice of cyberbullying policy at their school. Therefore, schools must make sure that both students and parents receive actual notice of the cyberbullying policy. This can be ensured in a variety of ways. For example, schools may hold a school assembly or send home the policy and require parents to sign it. Second, the cyberbullying policy must be clear as to what types of behaviors will not be tolerated. For example, the policy should spell out if off-campus behavior will be covered. Third, schools should make sure that their policies include a protocol for immediately notifying parents if their student is involved in a cyberbullying incident.

State Specific Limitations and Next Steps

Aside from legal challenges, there are some difficulties that may arise with trying to amend the current anti-bullying legislation in Georgia. First, there may be a resistance against the use of enumeration. There are a large number of legislators, community groups and others who believe that singling out any one group through enumeration will give that particular group special privileges. Georgia is a conservative state. In terms of legislative language, Georgia legislatures may be reluctant to include "LGBT" language in legislation out of fear of appearing to support gay rights. Research has shown, however, that enumerated bullying policies actually offer greater protections to all groups of students, and opponents should be reminded that the enumerated list is not conclusive but serves as an example of commonly targeted groups ("Enumeration", 2008).

Another potential limitation to bullying legislation is that statistics reporting and training may require more funds and time on the part of teachers. It is well established that Georgia has a strained budget. Some stakeholders may rally against statistics reporting requirements out of the fear that it will cost money to implement. Additionally, teachers may be resistant to mandatory

bullying trainings since many of their schedules are already full. These concerns, however, can be combatted seeing as how states, such as Florida, already have mandated statistic reporting and training programs for violent and disruptive behavior. Hence, reporting and training for bullying can simply be added to current reporting and training programs. This will allow states to avoid having to devote separate money or an overwhelming amount of time to the cause.

According to Cobb and Elder, there are three prerequisites that must be present before a topic gains access to the systemic agenda. The issue must have gained 1) widespread attention or at least awareness, 2) shared concern for a sizeable portion of the public for which action must be taken, and 3) a shared belief that the matter is a legitimate concern of a governing authority who has the authority to take action (Cobb and Elder, 1972). The issue of cyberbullying among adolescents and teenagers has gained widespread attention and awareness in recent years. The number of children who are affected by this phenomenon has grown to epic proportions. The proper way to address this legitimate concern is through changes to current and implementation of new legislation.

Cyberbullying has been on Georgia's political agenda for the past several years. The various proposed pieces of legislation, however, have not had success in passing. For cyberbullying legislation to pass in Georgia, the state specific limitations will have to be addressed. Further, it will not be enough to point to the recent media attention that cyberbullying has garnered across the nation. Influential key players will need to give their support of the issue and future bills. Lobbyists and community advocates are going to have to make their presence known by discussing the dangers of cyberbullying to legislatures at the capitol. Ideally, the governor, the chair of the education committee, and the chair of the health and human services committee could offer their support for a future cyberbullying bill.

Conclusion

Bullying is a problem that has been around for many years. Many say that "kids will be kids", but the truth is that bullying is an intolerable problem that needs immediate attention. Cyberbullying is a new phenomenon that is only exacerbating the bullying problem. The ability for cyberbullies to act anonymously and distribute harmful information about others within second makes cyberbullying more detrimental than traditional bullying. Cyberbullying leads to psychological effects that may affect victims for years to come. The rising number of suicides linked to cyberbullying is alarming.

Thus, Georgia legislatures must act now. In particular, school bullying would be more effectively addressed in Georgia if Georgia legislatures amend the current anti-bullying legislation to include language that 1) clearly defines the term "cyberbullying"; 2) regulates both on and off-campus activities; 3) requires a safe reporting protocol for cyberbullying victims or bystanders; 4) uses enumeration to provide a non-exhaustive list of examples of groups of students who are often bullied by peers; 5) requires cyberbullying training for all teachers and staff; 6) mandates education for parents and students on the danger of cyberbullying; and 7) requires schools to report cyberbullying statistics to the Georgia Department of Education.

Appendix A

O.C.G.A. 20-2-751.4

(a) As used in this Code section, the term "bullying" means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;

(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or

(3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:

> (A) Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;
>
> (B) Has the effect of substantially interfering with a student's education;
>
> (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
>
> (D) Has the effect of substantially disrupting the orderly operation of the school.

(b) No later than August 1, 2011:

(1) Each local board of education shall adopt a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school;

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each school and by including such information in student and parent handbooks.

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

(5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;

(6) A statement prohibiting retaliation following a report of bullying; and

(7) Provisions consistent with the requirements of subsection (b) of this Code section.

(d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce anti-bullying training programs and materials deemed appropriate by the department for use in local school systems.

(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

(f) Nothing in this Code section or in the model policy promulgated by the Department of Education shall be construed to require a local board of education to provide transportation to a student transferred to another school as a result of a bullying incident.

(g) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260.

Appendix B

Official Code of Georgia 20-2-145.

(a) The State Board of Education shall develop by the start of the 1997-1998 school year a comprehensive character education program for levels K-12. This comprehensive character education program shall be known as the 'character curriculum' and shall focus on the students´ development of the following character traits: courage, patriotism, citizenship, honesty, fairness, respect for others, kindness, cooperation, self-respect, self- control, courtesy, compassion, tolerance, diligence, generosity, punctuality, cleanliness, cheerfulness, school pride, respect for the environment, respect for the creator, patience, creativity, sportsmanship, loyalty, perseverance, and virtue. Such program shall also address, by the start of the 1999-2000 school year, methods of discouraging bullying and violent acts against fellow students. Local boards shall implement such a program in all grade levels at the beginning of the 2000-2001 school year and shall provide opportunities for parental involvement in establishing expected outcomes of the character education program.

(b) The Department of Education shall develop character education program workshops designed for employees of local school systems.

Cyberbullying: An Issue that cannot Afford to be ignored

By: Britney Bennett, Esq.
What is Cyberbullying?
Today, bullying does not just stop in the schoolyard. When children return home after a school day filled with bullying incidents they are often

use different types of electronic mediums to bully their victims. These mediums may include text/instant messaging, blogs, e-mail, social networking websites, and chat rooms. (Kowalski,

> *"We've got to dispel the myth that bullying is just a normal rite of passage that it's some inevitable part of growing up. It's not. We have an obligation to ensure that our schools are safe for all of our kids."* -
> *President Barack Obama*

tormented by a new phenomenon: cyberbullying. Cyberbullying is the "willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices." (Hinduja, 2010). It is comprised of four components: (1) deliberate behavior, not merely accidental; (2) repeated behavior, more than one-time incident; (3) harm occurred – from the victim's perspective; and (4) it is executed through a technological medium. (Hinduja, 2010). Cyberbullies

2007; Mason, 2008; Smith et. al, 2008; Stopbullying.gov). Cyberbullying may lead to both short and long-term psychological, social, and academic effects in adolescents and teens. With the growing usage of technological devices among the nation's teens and adolescents, there is a call for legislation and school policies to address cyberbullying and stop its negative effects.

Key Statistics
• • •

- **Approximately 50% of young people have experienced some form of cyberbullying, with 10-20% experiencing it on a regular basis** ("Cyberbullying Research Center")

- **According to the 2011 Youth Risk Behavior Survey, 13.6% of Georgia participants having been electronically bullied** ("YRBS, 2011").

- **Cyberbullying has been linked to teen suicide.** (Hindjua, 2010).

- **According to the 2011 Youth Risk Behavior Survey, 10.8% of Georgia participants attempted suicide 12 months prior to completing the survey** ("YRBS", 2011).

What are the weaknesses in Georgia' s current anti-bullying legislation?
Current Legislation

Georgia's current anti-bullying legislation does provide students with a certain level of protection. First, the statute does require local school districts and boards to have an anti-bullying policy in place. The legislation also requires teachers and staff to receive character education, which includes a bullying education and training component. The statute also calls for anonymous reporting of bullying incidents for students, teachers and staff to use.

Georgia's current anti-bullying legislation, however, is not as comprehensive as it could be. The statute does not include a clear definition of cyberbullying, cover off-campus activity, or use enumeration. It does not require schools to provide education for students and parents or report bullying statistics to the Georgia Department of Education. Thus, there are several improvements that can be made to Georgia's current anti-bullying legislation.

Recommendations

School bullying would be more effectively addressed in Georgia if Georgia legislatures amend the current anti-bullying legislation to include language that:

- *Recommendation #1* - Clearly defines the term "cyberbullying"
- *Recommendation #2* - Regulates both on and off-campus activities
- *Recommendation #3* - Mandates safe reporting protocol
- *Recommendation #4* - Uses enumeration to provide a non-exhaustive list of examples of groups of students who are often bullied by peers
- *Recommendation #5* - Requires cyberbullying for teachers and staff
- *Recommendation #6* - Mandates education for parents and students on the danger of cyberbullying
- *Recommendation #7* - Requires schools to report cyberbullying statistics to the Georgia Department of Education.

In recent years, there have been several attempts to amend Georgia's current legislation to give more protection to the state's children, and 2013 was no exception. HB 305, also known as "The End to Cyberbullying Act" was proposed during the 2013 legislative session. The bill was sponsored by Representative BJ Pak. The proposed legislation included a clear definition of cyberbullying and covered off-campus activity, which are crucial components to improving Georgia's anti-bullying legislation. Unfortunately, this piece of legislation was not passed into law. It was only read twice in the House and was not heard by the Senate. You can make a difference by showing your support for cyberbullying legislation during this session before it is too late.

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Table 1: U.S. Cyberbullying Legislation

State	School Policy	Includes Cyber-bullying	Includes Electronic Harassment	Off-Campus Activity	Uses Enumeration	Anonymous Reporting	Training for Teachers and	Education for Students	Education for Parents	Mandatory Reporting to DOE
Alabama	X		X				X			X
Alaska	X									X
Arizona	X		X							
Arkansas	X	X	X	X	X			X		
California	X	X	X							
Colorado	X		X		X	X	X			X
Connecticut	X	X	X	X	X	X	X		X	X
Delaware	X		X				X	X		X
Florida	X		X			X	X	X	X	X
Georgia	X		X				X			
Hawaii	X	X	X							
Idaho	X		X							
Illinois	X	X	X		X					
Indiana	X		X				X			
Iowa	X		X					X		
Kansas	X	X	X							
Kentucky	X	X	X							X

Louisiana	X	X	X	X						X
Maine	X	X	X						X	
Maryland	X		X		X		X		X	X
Massach-usetts	X	X	X	X		X	X		X	
Michigan	X		X							
Minnesota	X		X							
Mississippi	X		X							
Missouri	X	X	X							
Montana	X		X							
Nebraska	X	X	X	X				X		
Nevada	X	X	X				X	X	X	X
New Hampshire	X	X	X	X	X		X	X	X	X
New Jersey	X		X	X		X	X		X	X
New Mexico	X		X					X		
New York	X	X	X	X	X		X			X
North Carolina	X	X	X		X	X		X		
North Dakota	X		X			X	X			
Ohio	X		X							
Oklahoma	X		X				X			

Oregon	X	X	X		X	X				
Pennsylvania	X		X							X
Rhode Island	X		X		X	X				
South Carolina	X		X			X				
South Dakota	X		X	X						
Tennessee	X	X	X	X		X				
Texas	X		X							
Utah	X	X	X				X			
Vermont	X		X	X			X	X		
Virginia	X		X	X						
Washington	X	X	X		X				X	
West Virginia	X		X							X
Wisconsin	X									
Wyoming	X		X			X				
Federal Law										

*Adapted from National Conference of State Legislatures and (Sacco, 2013).

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