"The MORE perfect anti Bullying Law" has been updated February 2006.
Of course, there is no "perfect law", but I think (being humble) that this is
the best of the best laws that are currently on the books or, hopefully, soon
voted in as law. This, more perfect law, has been taken from the Washington
State Anti Bullying Law, the West Virginia Anti Bullying Law and the proposed
Florida State Anti Bullying Law.

Each lawmaker must put together the best law possible for their state - every
state words and numbers a state law differently, so take what you can use and
modify to your hearts desire.

The MORE Perfect Anti Bullying Law
HARASSMENT, INTIMIDATION AND/OR BULLYING PROHIBITION & CYBERBULLYING

A bill to be entitled
An act relating to school safety; providing legislative intent;
prohibiting bullying and harassment during education programs and
activities, on school buses, or through use of data or computer
software accessed through computer systems of certain educational
institutions; providing definitions; requiring each school district to
adopt a policy prohibiting such bullying and harassment; providing
minimum requirements for the contents of the policy; requiring the
Department of Education to develop model policies; providing immunity;
providing restrictions with respect to defense of an action and
application of the section; requiring department approval of a school
district's policy and school district compliance with reporting
procedures as prerequisites to receipt of safe schools funds; requiring
a report on implementation; providing an effective date.

Section I - Legislative findings

The Legislature finds that a safe and civil environment in school is
necessary for students to learn and achieve high academic standards.
The Legislature finds that harassment, intimidation or bullying, (point
# 1 - http://www.bullypolice.org/grade.html) like other disruptive or
violent behavior is conduct that disrupts both a student's ability to
learn and a school's ability to educate its students in a safe, non-
threatening environment. (point # 2 - http://www.bullypolice.org/grade.html)

It is the intent of the Legislature that school districts take every
reasonable precaution to protect students and school employees from the
irreparable physiological, physical, emotional, mental, and social harm
of bullying and harassment. It is the further intent of the
Legislature that nothing in this section be construed to abridge the
rights of the students or school employees that are protected by the
First Amendment to the Constitution of the United States.

Section II - Definitions.

As used in this article, “harassment, intimidation or bullying” means
any threatening, insulting, dehumanizing or intentional gesture, use of
data or computer software, or any intentional written, verbal or
physical conduct or threat directed against a student or school
employee that:
(1) A reasonable person, under the circumstances, should know would have the effect of:

(a) Placing a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; or
(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or teacher; or
(c) Interferes with a student’s educational performance, opportunities, or benefits; or. (point # 3 – http://www.bullypolice.org/grade.html)

(d) Has the effect of substantially disrupting the orderly operation of a school.

(2) The terms “bullying” and “harassment” include:

(a) Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.  
(b) Perpetuation of conduct by an individual or group, with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee, by:
   1. Incitement or coercion;
   2. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system; or
   3. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Section III – Prohibition of harassment, intimidation and/or bullying

Be It Enacted by the Legislature of the State of ____________

(1) Bullying or harassment of any student or school employee is prohibited:

(a) During any education program or activity conducted by a public K-12 educational institution;
(b) During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution; or
(c) Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 educational institution.

Section IV – Policies prohibiting of harassment, intimidation and/or bullying

(1) Each county/school board shall (point # 4 – http://www.bullypolice.org/grade.html) adopt the policy prohibiting bullying and harassment on school property, at school-related or school-sponsored program or activity, on a school bus, or through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the district school system. The school district policy shall not establish categories of students but shall afford all students the same protection regardless of their status under law. The school district
shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. (point # 5 - http://www.bullypolice.org/grade.html) The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school’s curriculum, a school’s discipline policies, and other violence prevention efforts.

(2) Each county/school board has control over the content of its policy as long as the policy contains, at a minimum, the requirements of subdivision (a) of this section.

(a) Each county/school board policy shall, at a minimum, include the following components:

   (1) A statement prohibiting harassment, intimidation or bullying of any student or school employee on school property, on a school bus or other school-related vehicle, at an official school bus stop (be aware that this “bus stop” requirement may cause some debate), or at a school-sponsored activity or event whether or not it is held on school premises.

   (2) A definition of harassment, intimidation or bullying.

   (3) A description of the type of behavior expected from each student and school employee.

   (4) Consequences and appropriate action for a person who commits an act of harassment, intimidation, or bullying.

   (5) A statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying, and the consequences and appropriate action for a person found to have wrongfully and intentionally accused another of an act of harassment, intimidation or bullying.

   (6) A strategy for protecting a victim from additional harassment, intimidation, or bullying, and from retaliation following a report.

   (7) A procedure for reporting an act of harassment, intimidation, or bullying, including a provision that permits a person to report an act of harassment, intimidation, or bullying anonymously. However, this paragraph does not permit formal disciplinary action solely based on an anonymous report.

   (8) A procedure for responding to any reported act of harassment, intimidation, or bullying and the range of ways in which a school will respond once an incident of harassment, intimidation, or bullying is reported.

   (9) A procedure for the prompt investigation of a report of harassment, intimidation or bullying and the persons responsible for the investigation. The investigation of a reported act of harassment, intimidation, or bullying is deemed to be a school-related activity and begins with a report of such an act.

   (10) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction.

   (11) A procedure to refer victims and perpetrators of harassment, intimidation, or bullying for counseling.

   (12) A requirement that parents or guardians of any student involved in an incident prohibited pursuant to this article be
notified, and, to the extent permitted under the federal Family Educational Rights and Privacy Act of 1974, as amended, a procedure for monthly reporting to a victim’s parents all actions instituted against a perpetrator of harassment, intimidation, and bullying and the action taken to prevent any further acts of harassment, intimidation and bullying.

13) A procedure for documenting any prohibited incident that is reported as well as a procedure for including incidents of bullying or harassment in the school’s report of safety and discipline data requirement. The report must include each incident of bullying and harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.

14) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to intimidation, harassment, and bullying.

15) A statement of how the policy is to be publicized including notice that the policy applies to participation in school-sponsored activities. The policy must be included in the publication of the code of student conduct handbooks and in all employee handbooks.

3) To assist county/school boards in developing their policies, for the prevention of harassment, intimidation, or bullying, the Department of Education (point # 5 - http://www.bullypolice.org/grade.html) shall develop a model policy applicable to grades kindergarten through twelfth and post this policy on their website and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for its schools. The model policy shall be issued by the first day of July 1, 2006. (point # 7 - http://www.bullypolice.org/grade.html)

4) Distribution of safe schools funds to a school district provided in the 2007-2008 General Appropriations Act is contingent upon Department of Education approval of the school district’s bullying and harassment policy. Distribution of safe schools funds provided to each school district in fiscal year 2008-2009 and thereafter shall be contingent upon school district compliance with all reporting procedures contained in this section.

Section V - Prohibiting reprisal, retaliation, or false accusation

1) A school administrator, employee, pupil, or volunteer shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying. (point # 8 - http://www.bullypolice.org/grade.html)

2) A school administrator, employee, pupil, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report the incident to the appropriate
school official designated by the school district’s or public school academy’s policy.

Section VI - Immunity

(1) A school employee, school volunteer, student or parent is individually immune from a cause of action for damages arising from reporting harassment, intimidation or bullying, or any failure to remedy the reported harassment, intimidation or bullying, if that person: (point # 9 – http://www.bullypolice.org/grade.html

(a) In good faith promptly reports an act of harassment, intimidation or bullying;
(b) Makes the report to the appropriate school official designated by the school district’s or public school academy’s policy and
(c) Makes the report in compliance with the procedures as specified in policy prohibiting harassment, intimidation, or bullying.

(2) The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action or prosecution initiated under this section.

(3) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, or computer network when acting within the scope of his or her lawful employment or investigating a violation of this section in accordance with school district policy.

Section VII - Policy training and education

(1) Schools and county/district boards are encouraged to form bullying prevention task forces, programs and other initiatives involving school staff, students, teachers, administrators, volunteers, parents, law enforcement and community members.

(2) Each county/district board or public school academy shall do all of the following: (point # 6 – http://www.bullypolice.org/grade.html

(a) Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students; and
(b) Develop a process for educating students on the harassment, intimidation or bullying policy.

(3) Information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school’s current employee training program.

Section VIII - Liability

Except as provided in section five of this article, nothing in this article prohibits a victim from seeking redress under any other provision of civil or criminal law. This section does not create or alter any tort liability.

Section IX - Accountability to the State Superintendent – Report to Lawmakers
Each school district shall report to the superintendent of public instruction by August 1st of each year all incidents, resulting in disciplinary action, involving harassment, intimidation, or bullying, that result in a short or long-term suspension or expulsion on school premises or on transportation systems used by schools, in the year preceding the report. The State Department of Education shall aggregate information contained in the reports and submit an annual report to the President of the State Senate and the Speaker of the State House of Representatives by January 1. (point #11 – http://www.bullypolice.org/grade.html)

Question: What if my state is having a budget crisis and may not be able to afford implementing programs?

Answer: Replace Section VII letter (b) with:
(b) To the extent state and federal funds or Grants are appropriated for these purposes, each county/school district board shall do all of the following:

In addition, you can put most of the work upon the State Superintendent’s office, whose office is already paid to help their schools succeed and who are experts in writing model policies and programs. Let them (1) Provide training on harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students; (2) Develop a process for educating students on the harassment, intimidation or bullying policy and (3) Provide information regarding the county board policy against harassment, intimidation or bullying shall be incorporated into each school’s current employee training program.
MAKING THE GRADE
To read the entire text, go to http://www.bullypolice.org/grade.html

1) The word "bullying" must be used in the text of the bill/law/statutes.

2) The law must clearly be an anti bullying law, not a school safety law.

3) There must be definitions of bullying and harassment.

There should not be any emphasis on defining victims. This addition into an anti bullying law will cause several problems for lawmakers as -

- Any child can be victimized by a bully. Remember that bullies bully because they can, and because they can get away with it.
- The way a bully's target or victim acts or physically looks is not the victim’s problem but the bully's own psychological problem. The bully is the root of the problem.
- Defining victims will slow the process of lawmaking, dividing political parties who will argue over which victims get special rights over other victims.

All children who are bullied are victimized and they ALL need to be protected.

4) There should be recommendations about how to make policy and what needs to be in the model policy.

5) A good law involves education specialists at all levels, starting with the State Superintendent's (Education) office, though the School Districts, Schools, Parents and Students. Together they can define and set rules, policies, and find and implement the best anti bullying programs.

6) A good law mandates anti bullying programs, not suggests programs.

7) Laws should include a date the model policy is due, when the schools need to have their policies in place, (in keeping with the anti bullying law requirements), and when the anti bullying programs must be in effect.

8) There must be protection against reprisal, retaliation or false accusation.

9) There must be school district protection against lawsuits upon compliance to policies.

10) A top rated law will put the emphasis on the victims of bullying by assigning counseling for victims who suffer for years after peer abuse.

11) There must be accountability reports made to Lawmakers and the State Education Superintendent.