

Best Practices in Creating School Board Policies to Address Cyberbullying

There are many obvious educational benefits to students using and having access to technology. However, there is also a grave downside. These forms of technology make bullying other students easier than ever. In fact, more than 50 percent of adolescents and teens claim to have been bullied online. Approximately 25 percent have been bullied repeatedly via texts on their cell phones and over the internet.

The threat is so troubling that lawmakers have specifically addressed cyberbullying in schools. The Nevada Legislature has expressly found that bullying of any kind poses a serious threat to students in Nevada schools and directly impacts their ability to attain a quality education. As a result, Nevada law prohibits any form of bullying, cyberbullying, harassment or intimidation in public schools. Further, the Nevada legislature has mandated Nevada school officials to adopt policies that specifically address cyberbullying.

Seven Legal Factors for Developing a School Policy on Cyberbullying

School officials everywhere—and in Nevada in particular—can and should implement appropriate cyberbullying policies based on their district’s particular needs; however, the following 7 factors should be taken into consideration when drafting such policies.

Factor #1: Define Conduct

The first step in formulating any policy related to cyberbullying is to provide clear definitions of the conduct. Nevada law defines bullying as “a willful act which is written, verbal or physical.” It is also a “course of conduct on the part of one or more persons which is not authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person.” “Cyberbullying” is the use of electronic communication to bully. Any school policy must define bullying and cyberbullying consistently with these legal definitions.

Factor #2: Rely on Teamwork

The policies must also provide for a team approach to eliminating cyberbullying. Nevada law requires each school to have a “School Safety Team” whose purpose is to “develop, foster and maintain a school environment which is free from bullying, cyberbullying, harassment and intimidation.” This team is required by law to include a school counselor, a teacher, at least one parent or legal guardian and may include any other person appointed by the principal. The principal should also exercise the appointment power to include a non-teaching staff member to this team. At least one student should be included on the team. It would also be wise to designate a member of the team as the “team expert.” This individual could be responsible for keeping up to date on new developments in the law, current trends, and best practices.

Factor #3: Focus on Education of the School Community

According to Nevada law, it is critical that the policies adopted focus heavily on educating the school community as to the dangers of bullying. These policies must provide training to students and staff in appropriate methods of human relations without the use of bullying. There must be policies that include methods to improve the school environment in a manner that will facilitate positive human relations among students. In addition, such policies must educate students as to the harmful effects of bullying and related conduct. To be effective, education about the harmful effects of bullying must extend to educators, administrators and non-teaching staff so that such individuals can model appropriate interaction and technology use.

Factor #4: Immediate Response

It is essential that there be a policy providing for the response when an incident is observed or reported. Nevada law requires that any staff member who witnesses bullying must verbally report the incident to the school principal the same day as the incident. It is critical that the policy for staff members to understand their obligations so staff can be vigilant in the efforts to monitor student interactions.

Factor #5: Detailed Time Frame for Investigation

Upon the report of an incident of cyberbullying, the policy must require the principal to initiate an investigation within one day of receiving the notice of the alleged incident. It would be a best practice to have the principal acknowledge the incident with a written "incident report" that would be provided to the parents of all students involved. Once the incident has been acknowledged, the policy must clearly state that the principal has ten days to complete the investigation and notify the students and their parents of the outcome. The policy should also require the parents be advised of their right to appeal.

Factor #6: Documentation and Notification of Discipline

The policy must require documentation on the investigation's resolution. If a violation is found, it is necessary for the principal's report to include recommendations for appropriate disciplinary action. Before imposing any discipline, the policy should require that the principal consult with legal counsel to ensure the proposed discipline is lawful and does not violate students' legal rights. Similarly, if there must be a very specific policy when reporting incidents to school policy or local law enforcement.

Factor #7: Adopt Acceptable Use Policies

School districts should also adopt Acceptable Use Policies. These are policies that assist students, staff and parents in understanding the acceptable boundaries for technology use in the school setting. These policies set forth the expectations for appropriate use of internet, social media and cell phones. The consequences for violation of the Acceptable Use Policy should be clearly stated and emphasize that students are responsible for inappropriate use of such technology.

Conclusion

Any school policy promulgated to address cyberbullying must comply with the specific provisions of Nevada law governing cyberbullying. Policies providing for thorough education, reporting, discipline and documentation will meet the requirements of Nevada law and ensure a better school community.

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