

# FactSheet

April 2014

## Recent Legislation on Cyberbullying: AB 256

### Introduction

All students and staff need a safe and supportive school environment in order to succeed emotionally and academically. While incidents of violent crime at school are relatively low, bullying persists and is taking on new and different forms, which have long-term implications for the aggressor, victim, bystanders, and the greater school community. Bullying occurs on and off school campuses and online. Thanks to social media and new technologies, the world is now more connected than ever before and new learning opportunities are at students' fingertips. Unfortunately, some tech-savvy students also use these new venues to harass or intimidate peers or school staff.

This fact sheet spotlights new legislation, Assembly Bill 256, which clarifies and expands the disciplinary jurisdiction of school administrators and highlights some academic research on cyberbullying.

### What is cyberbullying?

Cyberbullying is defined in California Education Code 32261 and 48900(r) for purposes of student discipline as an act of bullying committed by means of an electronic device—e.g., a text message, a voicemail, an email, a post on social media, etc.

### New legislation

New legislation signed by Governor Jerry Brown gives schools greater capacity to take disciplinary action against cyberbullying. As a result of AB 256, authored by Assemblymember Cristina Garcia, districts now have the authority to intervene and address cyberbullying, even when it occurs away from school, during non-school hours.<sup>1</sup> Districts have always had the authority to suspend or expel students for cyberbullying that occurs at

school, using school equipment, or during school hours. Some argued prior to AB 256 that districts also had the authority to suspend or expel students who cyberbullied away from school because the cyberbullying significantly affected students health and safety at school. Garcia's bill removes the ambiguity. AB 256 clarifies that districts have explicit authority to suspend or expel students who cyberbully during non-school hours, while not at school, and using a non-school electronic device.

### The extent of cyberbullying

Research findings on the prevalence of cyberbullying vary depending on the age and gender of the children included in the study and the specific behaviors defined as cyberbullying or online harassment. Some recent studies have found:

- » Nearly a third (32%) of online teens ages 12-17 have experienced some form of online harassment, such as having had private material forwarded without permission (15%), receiving threatening messages (13%), and/or having a rumor spread about them online (13%).<sup>2</sup>
- » 26% of teens have been harassed via cell phone, either by voice or text.
- » The greatest prevalence of cyberbullying occurs during the mid-teens (ages 14-17).<sup>4</sup>
- » Adolescent girls are more likely than boys to have experienced cyberbullying in their lifetimes (25.8% vs. 16.0%) and to have cyberbullied others during their lifetimes (21.1% vs. 18.3%). The type of cyberbullying tends to differ by gender, with girls being more likely to spread rumors while boys are more likely to post hurtful pictures or videos.<sup>5</sup>

- » Children of all races and ethnicities are vulnerable to cyberbullying victimization and offending. White students are somewhat more likely to report having been cyberbullied sometime during their lifetimes, but students' reports that they have been cyberbullied within the previous 30 days are evenly distributed across race.<sup>6</sup>
- » Students who are bullied in cyberspace are also more likely to be bullied at school, and to be perpetrators of cyberbullying themselves.<sup>7</sup>

## What do board members need to know?

While AB 256 gives school districts greater disciplinary jurisdiction, policy will differ from district to district. Here are some questions boards might ask to ensure good governance, consistency, and a safe school climate.

- » What are we doing as a district to promote a safe and tolerant school climate?
- » What are our policies relating to bullying and cyberbullying?
- » How are students, families, and staff being informed of policies relating to bullying, cyberbullying, and proper conduct in general?
- » What programs are in effect to prevent and respond to bullying and how is the success of these programs being measured?

## Key discussion points for board members and superintendents

- » How do our district values inform our discipline philosophy?
- » Will this new legislation change our discipline philosophy?
- » What policies, if any, do we need to revisit as a result of this new disciplinary authority?
- » How will bullying and cyberbullying be consistently disciplined?

## For further information

- » CSBA Sample Policies 5131 - Conduct; 5131.2 – Bullying; 5137 – Positive School Climate; 5144 – Discipline; 5144.1 – Suspension and Expulsion/Due Process
- » CSBA's guidebook "Safe Schools: Strategies for Governing Boards to Ensure Student Success" (2011) <http://bit.ly/1dOiy03>
- » Cyberbullying Research Center <http://cyberbullying.us>
- » Teaching Tolerance [www.tolerance.org](http://www.tolerance.org)

## Endnotes

- 1 California Assembly Bill 256 (2013). <http://bit.ly/1ktem4H>
- 2 Lenhart, A. (2007) Cyberbullying and Online Teens. Washington DC: Pew Research Center. <http://bit.ly/1CqEM2>
- 3 Lenhart, A. (2007)
- 4 Lenhart, A. (2007)
- 5 Hinduja, S., & Patchin, J.W. (2010) Cyberbullying by Gender. Cyberbullying Research Center. <http://bit.ly/1pRI44O>
- 6 Hinduja, S., & Patchin, J.W. (2008) Cyberbullying by Race. Cyberbullying Research Center. <http://bit.ly/1pRI44O>
- 7 Beran, T., & Li, Q. (2007, December) The relationship between cyberbullying and school bullying. *Journal of Student Wellbeing*, 1(2): 15-33. <http://bit.ly/1iiktap>