

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Prohibit Cyberbullying**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §6553**, as amended by PL 1999, c. 351, §4, is further amended to read:

### **§ 6553. Prohibition of injurious hazing and cyberbullying**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Injurious hazing" means any action or situation, ~~including harassing behavior~~, that recklessly or intentionally endangers the mental, ~~emotional~~ or physical health of any school personnel or a student enrolled in a public school. "Injurious hazing" includes harassing behavior.

B. "Violator" means any person or any organization ~~which~~that engages in injurious hazing.

C. "Cyberbullying" means injurious hazing by any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including but not limited to a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

**2. Adoption of policy.** The school board shall adopt a policy ~~which~~that establishes that "injurious hazing and cyberbullying," either on or off school property, by any student, staff member, group or organization affiliated with the public school is prohibited.

**3. Penalties.** The school board shall establish penalties for violation of the rules established in subsection 2. The penalties ~~shall~~must include, but are not be limited to, provisions for:

A. In the case of a person not associated with the public school, the ejection of the violator from school property;

B. In the case of a student, administrator or staff violator, the individual's suspension, expulsion or other appropriate disciplinary action; and

C. In the case of an organization affiliated with the public school ~~which~~that authorizes hazing, rescission of permission for that organization to operate on school property or receive any other benefit of affiliation with the public school.

These penalties ~~shall be~~are in addition to any other civil or criminal penalty to which the violator or organization may be subject.

**4. Administrative responsibility.** The school board shall assign responsibility for administering the policy to the superintendent of schools and establish procedures for appealing the action or lack of action of the superintendent.

**5. Dissemination.** The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students enrolled in the public school.

## SUMMARY

This bill amends the current law covering the prohibition of hazing in public schools to specifically cover cyberbullying. Current law requires each school board to adopt a policy that addresses injurious hazing. This bill defines "cyberbullying" as injurious hazing by any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including but not limited to a computer, telephone, cellular telephone, text messaging device and personal digital assistant.