

American Legion Auxiliary
New Mexico Girls State
Bill Instruction Sheet



Principal Author: Evonne Boldt

Bill No: _____ Committee: _____

Status:

Passed by: ☐ Committee ☐ House ☐ Senate ☐ Governor

Tabled by: ☐ Committee ☐ House ☐ Senate ☐ Governor

Other: _____

Simple Title of Bill: Bill

1 BILL

2 **70TH SESSION – AMERICAN LEGION AUXILIARY NEW MEXICO GIRLS STATE – 2017**

3 INTRODUCED BY

4

5

6

7 AN ACT

8 **RELATING TO SCHOOLS; REQUIRING SCHOOLS TO INTERVENE IN**

9 **CYBERBULLYING AND CYBER HARASSMENT CASES OUTSIDE OF SCHOOL**

10 **HOURS AND OFF CAMPUS IF IT HAS THE OBVIOUS POTENTIAL TO OR IS CAUSING**

11 **A DISRUPTION IN THE LEARNING ENVIRONMENT**

12

13 BE IT ENACTED BY THE LEGISLATURE OF THE AMERICAN LEGION AUXILIARY NEW

14 MEXICO GIRLS STATE:

15 SECTION 1. DEFINITIONS.

1 A. "Bullying" is defined by the the New Mexico Administrative Code §6.12.7 as any
2 repeated and pervasive written, verbal or electronic expression, physical act or gesture, or
3 a pattern thereof, that is intended to cause distress upon one or more students in the
4 school, on school grounds, in school vehicles, at a designated bus stop, or at school
5 activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment,
6 intimidation or menacing acts of a student which may, but need not be based on the
7 student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual
8 orientation.

9 B. "Cyberbullying" is defined as an electronic communication that (1) targets a specific
10 student; (2) is published with the intention that the communication be seen by or disclosed
11 to the targeted student; (3) is in fact seen by or disclosed to the targeted student; and (4)
12 creates or is certain to create a hostile environment on the school campus that is so severe
13 or pervasive as to substantially interfere with the targeted student's educational benefits,
14 opportunities or performance in the New Mexico Administrative Code §6.12.7.

15 C. "Davis v. Monroe County Board of Education" is a United States Supreme Court case
16 that held that if a school is aware of inappropriate behavior from one student to another and
17 does not address the issue, it may be held responsible.

18 D. "Harassment" is defined in the New Mexico Administrative Code §6.12.7 as knowingly
19 pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another
20 person.

21 E. "Tinker v. Des Moines Independent Community School District" is a United States
22 Supreme Court case that defined the constitutional rights of students in U.S. public schools,
23 specifically First Amendment rights. The Court held that "students did not lose their First
24 Amendment rights to freedom of speech when they stepped onto school property." In order
25 to justify the suppression of speech, the school officials must be able to prove

1 that the conduct in question would "materially and substantially interfere" with the operation
2 of the school.

3 F. "Wisniewski v. Board of Education of Weedsport Central School District" is a United
4 States Supreme Court case in which an eighth grade student, Wisniewski, used an image
5 of a pistol shooting a bullet at a person's head as his icon on AOL Instant Messenger.
6 Below the image read "Kill Mr. VanderMolen." After being suspended for one semester,
7 Wisniewski sued the board for violation of his First Amendment rights. The court dismissed
8 his claims and stated "...it was reasonably foreseeable that Wisniewski's communication
9 would cause a disruption within the school environment.... The fact that Aaron's creation
10 and transmission of the IM icon occurred away from school property does not necessarily
11 insulate him from school discipline. We have recognized that off-campus conduct can
12 create a foreseeable risk of substantial disruption within a school..."

13 SECTION 2. PLAN OF ACTION. -The school administration or school district will be
14 required to create a plan of action to quickly address and prevent incidents of cyberbullying
15 or cyber harassment that occur outside of school hours or off campus. These plans will
16 have to be submitted to the state to make sure they follow the guidelines set in the
17 following provisions.

18 a. The plan of action must have the same punishments for perpetrators of cyberbullying
19 and cyber harassment as the punishments outlined for bullying and harassment in schools.

20 i. This does not include the punishments for physical aspects of bullying.

21 b. The punishments outlined in the plan of action must be made known to students so they
22 are aware of the consequences. They can do this through the student handbook, on the
23 school webpage, or any other method that will reach all of the students.

24 c. Schools must have evidence of the cyberbullying and cyber harassment and see it has

1 the potential to or is causing a disturbance in the classroom or school before they can take
2 action.

3 i. Evidence that the school can find is public, online comments that fall under the definition
4 of cyberbullying in the state of New Mexico, public websites that target a student or
5 students in a way that falls under the definition of cyberbullying in the state of New Mexico,
6 or can be reported to about changes in behavior by teachers or other personnel such as
7 parents.

8 1. Changes in behavior include withdrawal, slipped performance in academics, athletics, or
9 other extracurricular activities, changes in eating habits, changes in attendance, decreased
10 self esteem, and avoiding social situations.

11 d. If a school is run by a larger school district, then the school district will make the plan of
12 action to be adopted by all schools under its jurisdiction. These will still have to be
13 submitted to the state.

14 i. Penalties may vary between different school levels (elementary, middle, and high school)
15 for the same offense.

16 SECTION 3. STUDENT OR PARENTAL NOTIFICATION. - If a school administration is not
17 aware of the cyberbullying and cyber harassment occurring and are instead informed by
18 parents or students, the parents and students must provide evidence of the acts to the
19 administration before they can take action.

20 a. Evidence that can be found by parents includes everything that constitutes as evidence
21 as previously defined. Evidence the parents can report includes changes in behavior like
22 previously defined, including changes in sleep patterns, electronic usage, unexplained
23 anger or depression, self injury, suicidal thoughts or suicidal attempts, frequent reports of
24 feeling ill, and unwillingness to share information about online activity.

b. Students may also report to the school and can provide private online comments that fall under the definition of cyberbullying in the state of New Mexico, in addition to evidence as previously defined and can report evidence that parents can report.

SECTION 4. METHODS. - School administrations must separate the people involved if they are in the same class and try, to the best of their power, to restore the learning environment and protect students' rights.

a. The students must be put in different classes, and their schedules, if possible, must be reorganized to minimize confrontation.

b. The administration must get school counselors and parents involved.

i. These personnel will provide suggestions and options for parents and students to take to fix the situation according to their judgement based on their prior training and the circumstances of the situation.

SECTION 5. AFFECTED BODIES. - This will affect elementary schools, middle schools, and high schools, specifically public schools and charter schools.

SECTION 6. REGULATION. - To regulate this, students and parents who felt disregarded by the school can make a report to the local school board to have the incident investigated.

SECTION 7. PENALTY CLAUSE. - School administrators that do not act in accordance to the provisions outlined shall be punished by a period of probation for three months. After a second offense, the administrator(s) will be removed from their position. In a

All laws, acts, provisions, or parts of laws contained in the Constitution of the State of New Mexico in conflict with any provision of this act are hereby repealed.

Delayed Start - Update the date to reflect your bills start date.

The provisions of this act shall be effective on and after July 1, 2018.

