

Bill as Introduced

SB 482 - AS INTRODUCED

2010 SESSION

10-2745

04/01

SENATE BILL **482**

AN ACT relative to bullying and cyberbullying in schools.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Rep. Clarke, Merr 6; Rep. O'Neil,
 Hills 19; Rep. Charron, Rock 7; Rep. Griffin, Rock 4

COMMITTEE: Education

ANALYSIS

This bill adds definitions of "bullying" and "cyberbullying" to the pupil safety and violence prevention statute.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to bullying and cyberbullying in schools.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Pupil Safety and Violence Prevention; Definition of Bullying Added. Amend
2 RSA 193-F by inserting after section 2 the following new section:

3 193-F:2-a Bullying. In this chapter, "bullying" means any act or behavior occurring on school
4 property which is directed at another person with the intent to hurt the other person, either
5 physically or mentally. "Bullying" shall include "cyberbullying" which means the use of the Internet,
6 or a cell phone, pager, or other electronic device on school property to send or post text or images
7 intended to hurt, harass, intimidate, or embarrass another person.

8 2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

Education Committee

Hearing Report

TO: Members of the Senate

FROM: Kristy Roney, *Legislative Aide*

RE: Hearing report on **SB 482**, relative to bullying and cyberbullying in schools.

HEARING DATE: January 26, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senator Kelly, Senator Merrill, Senator Lasky, Senator Letourneau, Senator Fuller-Clark

MEMBERS OF THE COMMITTEE ABSENT: Senator Bragdon

Sponsor(s): Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Rep. Clarke, Merr 6; Rep. O'Neil, Hills 19; Rep. Charron, Rock 7; Rep. Griffin, Rock 4

What the bill does: This bill adds definitions of "bullying" and "cyberbullying" to the pupil safety and violence prevention statute.

Who supports the bill: Senator Sharon Carson; Representative Gene Charron; Kathleen Murphy, Director of Division on Instruction, Department of Education

Who opposes the bill: None.

Testimony:

Senator Carson introduced the bill explaining that this bill defines "bullying and cyberbullying." With the growth of technology, there is also a darker side, where it can be used to hurt, harass, or intimidate another person.

This definition will provide clarification so districts can address this more easily. Pupils should enter schools safe from intimidation and harassment.

Senator Merrill asked about the House version of this bill. **Senator Carson** explained that this bill just defines bullying and cyberbullying while the House version is more expansive.

Rep. Charron said that everyone has had an experience with bullying and urged the committee's support of this bill.

Senator Letourneau asked if the threatening texts and emails were already covered in criminal statutes. **Rep. Charron** explained that texts and emails can be sent anonymously and that this needs to be addressed. **Sen. Kelly** added that cyberbullying can affect more than one person and can address groups of people.

Senator Letourneau shared his concerns that this may be too broad and have unintended consequences.

Kathleen Murphy, Director of the Division of Instruction, Department of Education, said that these definitions will work easily in companion with the House Bill addressing the same subject. This language strengthens what is already on the books and will help local school boards and administrators.

Senator Letourneau asked why cell phones couldn't be banned from schools. Ms. Murphy replied that during the Columbine incident students used cell phones to share critical information with families and authorities. Because of that, she did not believe there would be support for banning cell phones outright.

Action: No action was taken.

**SENATE CALENDAR NOTICE
EDUCATION**

- ✓ Senator Molly Kelly Chairman
- ✓ Senator Amanda Merrill V Chairman
- ✓ Senator Martha Fuller Clark
- ✓ Senator Bette Lasky
- Senator Peter Bragdon
- ✓ Senator Robert Letourneau

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
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Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: February 11, 2010

HEARINGS

Tuesday

2/16/2010

EDUCATION

LOB 103

10:15 AM

(Name of Committee)

(Place)

(Time)

10:18
10:15 AM SB482 10:38

EXECUTIVE SESSION MAY FOLLOW

relative to bullying and cyberbullying in schools.

Sponsors:

✓ **SB482**

Sen. Sharon Carson
Rep. Gene Charron

Rep. Claire Clarke
Rep. Mary Griffin

Sen. Jeb Bradley

Rep. James O'Neil

Date: February 16, 2010
Time: 10:18 a.m.
Room: LOB 103

The Senate Committee on Education held a hearing on the following:

SB 482 relative to bullying and cyberbullying in schools.

Members of Committee present:	Senator Kelly
	Senator Merrill
	Senator Fuller Clark
	Senator Lasky
	Senator Letourneau

The Chair, Senator Molly Kelly, opened the hearing on SB 482 and invited the prime sponsor, Senator Carson, to introduce the legislation.

Senator Sharon M. Carson, D. 14: Good morning, Madam Chair, and honorable Committee members. For the record, I am Senator Sharon M. Carson, and I have the pleasure to represent the citizens of District 14, comprising the towns of Auburn, Hudson, and Londonderry.

I present today for your consideration Senate Bill 482, which defines bullying and cyberbullying within the Pupil Safety and Violence Prevention Statute. I brought this bill forward due to the outbreak of cyberbullying in our country. With all our wonderful technology, sometimes there is a darker side, and now, in some instances, technology is being used to intimidate and harass individuals.

This bill places into statute a definition of cyberbullying, so our school districts can directly address this issue if it should occur within their school population. I've included, for your deliberation, some articles addressing the problem of cyberbullying. We must, as a state, ensure that when a pupil enters into our school system, wherever that might be, that they are safe from intimidation and harassment.

Thank you, Madam Chair, and if you have any questions, I will be more than happy to answer them.

Senator Molly Kelly, D. 10: Any questions from the Committee? Yes, Senator Merrill.

Senator Amanda Merrill, D. 21: Thank you, Madam Chair. Good morning, Senator Carson.

Senator Sharon M. Carson, D. 14: Good morning.

Senator Amanda Merrill, D. 21: I just wondered if you've had any conversations with the folks on the House side who are working on a bullying bill, too.

Senator Sharon M. Carson, D. 14: Thank you for the question, Senator. No, I haven't, but I have read their bill, and my bill, all it does, is it defines the issue. Their bill is more comprehensive. I think my definition goes a lot farther than their definition in defining exactly what cyberbullying is. So, I'm hoping that, if it should pass, it's something that perhaps can be incorporated into the other bill, if it should pass from the House.

Senator Molly Kelly, D. 10: Any questions?

Senator Bette R. Lasky, D. 13: No, that was what I was wondering about, too.

Senator Molly Kelly, D. 10: The only quick question I have, and I know you need to get to a hearing, and it doesn't look like anyone else is here to speak to this bill. But, you were adding bullying to the Pupil Safety and Violence Prevention...

Senator Sharon M. Carson, D. 14: Right.

Senator Molly Kelly, D. 10: ...Act, and also cyberbullying, and on the bullying, it refers to any act or behavior occurring on school property. Right?

Senator Sharon M. Carson, D. 14: Correct.

Senator Molly Kelly, D. 10: Now, the cyberbullying, how do we know if that's going on?

Senator Sharon M. Carson, D. 14: Well, that really is part of the problem...

Senator Molly Kelly, D. 10: Yeah.

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Senator Sharon M. Carson, D. 14: ...and I think with the House bill, they address that a lot more, and a lot more directly than I did. Because again, I think it's going to be up to the school districts to decide where those boundaries are, and in one of the articles I believe I gave you, there is some real considerations that need to be looked at considering an individual's right of freedom of speech and where it crosses the boundary, and I think because people are going to interpret that in different ways, I was very hesitant to put things into statute.

Please see Attachment # 1- Articles submitted by Senator Carson

Senator Molly Kelly, D. 10: Senator Lasky.

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair, and I think I recall something that was in the *Telegraph* or something. Is there something similar in the criminal statute? Did they, in the House, the House bill, have they not placed it under the criminal statutes?

Senator Sharon M. Carson, D. 14: I don't believe so. I have a copy of it here. I believe it just is...

Senator Bette R. Lasky, D. 13: Is it?

Senator Sharon M. Carson, D. 14: ...addressing schools. It's not addressing it as a crime.

Senator Bette R. Lasky, D. 13: Okay, and it is in the same section?

Senator Sharon M. Carson, D. 14: Yes.

Senator Bette R. Lasky, D. 13: Okay.

Senator Sharon M. Carson, D. 14: It's in the Student Prevention, Violence Prevention Statutes.

Senator Bette R. Lasky, D. 13: Thank you, thank you, I thought so, thank you.

Senator Molly Kelly, D. 10: Okay. Thank you.

Senator Sharon M. Carson, D. 14: Madam Chair, I did receive some testimony this morning from one of the cosponsors, Representative Charron, who was not able to come because of all the snow we're getting right now. So, oh he's here! All right, so he can testify. Thank you, Madam Chair.

Senator Molly Kelly, D. 10: Thank you. Representative, did you want to speak?

Representative Charron: Yes.

Senator Sharon M. Carson, D. 14: Do you want your testimony? Could make it easier for you.

Representative Charron: Thank you. Madam Chair, I appreciate your patience. We're all the running around the building here on various bills. Did you receive my email that I had sent to the Committee? Because I did that just as a precaution, if something came up and, because I have other hearings.

Senator Molly Kelly, D. 10: I don't have that, but...

Representative Charron: Okay, then if I may, let me just read this.

Senator Molly Kelly, D. 10: Yes.

Representative Charron: I'll leave this with the Committee.

Please see Attachment # 2- Representative Charron's typewritten testimony

Representative Charron: I am in strong support, obviously, of SB482, relative to bullying and cyberbullying, especially if each of you, including myself, I think, probably have experienced bullying to a certain degree.

Maybe even experienced in the school yard, or waiting in line or getting into the movies, and I always had this memory of this big kid, when I was a kid, standing in line to go into the movies, after standing there for an hour, and he'd break into the front, and we didn't dare say anything because he was a lot bigger than we were. And that's the definition, as far as I'm concerned, of bullying. And, of course, we never said anything, he was a lot bigger.

Halloween, we used to stay away from a particular neighborhood, because of bullies who would steal our candy, and it happens in sports, too. But the funny part of that, we knew who the bullies were.

Today, there's certainly no question that there are bullies today who continue to work no different than in my day, but the cyber bullies take the issue to another level, a level above and beyond what we ever would have thought of. Text messaging, Facebook, email, cell phones, are all methods of

communicating in insidious ways. Children and young adults are very vulnerable. Peer pressure is incredible, and of course, people can bully anonymously, so the ability to threaten, intimidate, and embarrass are quite easy. So I strongly urge for your support for this important bill.

Senator Molly Kelly, D. 10: Thank you. Any questions? Senator Letourneau.

Senator Robert J. Letourneau, D. 19: Thank you. Thank you, for taking questions, Representative.

I'm trying to figure out, what the specifics is. If somebody sends me an email or a text message that is saying they're going to hurt me, isn't that illegal now? That's a form of assault.

Representative Charron: I would think that certainly if you held on to that email, that certainly there's some proof that you've been threatened. What I have found, just in conversations with folks at home, is the fact that we've got a lot of kids that are very sensitive, and when you have people who are riding, they do it in such a way that you really can't figure out what they're doing, but it keeps at the same child every day, whether it's elementary school, high school, even college, and there's really no way to go into the criminal end of it.

Senator Robert J. Letourneau, D. 19: How do we handle it with phone calls? It's just another method of communication.

Representative Charron: Well it is, but I'm thinking...

Senator Robert J. Letourneau, D. 19: You could get harassing phone calls. Isn't there laws on the books for harassing phone calls?

Representative Charron: Well, there is for harassment, but I'm thinking that again, from everything that I've been told and have listened to, is the fact that the, especially the cyber part of it, the text messaging. I didn't know that you could send things anonymously, but obviously you can. And the kids don't know that. In fact, if you remember there was a woman, a mom, who was writing emails to this young girl, under the guise of being a boyfriend, or an interested boyfriend, and the kid ended up, ultimately, sadly, hanging it up.

I guess, you know, when you have emails coming at you, and kids again, are at a vulnerable age and they begin to not fit in, that these emails become very serious in their mind. And do they tell their parents? No, they don't. You

know, the sad part of it, our kids are on that computer, we don't even know what they're into, and what's going on there. So, something like this here, I think, is really kind of taking a stand.

Senator Molly Kelly, D. 10: Yes.

Senator Robert J. Letourneau, D. 19: Follow up? In order to send a text message or even an email, you have to have an address or a phone number. Is that correct?

Representative Charron: Well, my understanding is, yeah, but my understanding also, are there's ways around that. I don't know. I can't even text. I can't even figure it out, but they have ways of doing this. I guess you can text to one place and it goes to another place. I don't understand all that stuff, but there are ways of doing this that far surpasses our knowledge.

Senator Robert J. Letourneau, D. 19: Well, I can almost assure you that you can't text me a message on my phone without knowing my phone number.

Representative Charron: On your phone? Yeah, I don't really know.

Senator Molly Kelly, D. 10: Do you have a question?

Senator Bette R. Lasky, D. 13: No, I've...

Senator Molly Kelly, D. 10: Would you believe?

Senator Bette R. Lasky, D. 13: ...had some very weird, just a comment. I've some really weird things happen to my phone number and I have no doubt that somebody with the knowledge can do just about anything they want on the internet.

Senator Molly Kelly, D. 10: My question to you, Representative, and thank you, is, was in regard to defining what cyberbullying is. It looks like the bill speaks not just to a physical hurt, but also embarrassment or some mental harm as well, which language can do, and we, I think we traditionally think of bullying as somebody, as you said, is bigger than us, that could hurt us physically. But I think, and I just want to check, because you're supporting this legislation, I just wanted to make clear, that this goes beyond the physical hurt, that cyberbullying is also, as well, a mental...

Representative Charron: Oh, definitely.

Senator Molly Kelly, D. 10: ... or embarrassment..

Representative Charron: Excellent point...

Senator Molly Kelly, D. 10: ...with language.

Representative Charron: ... Senator. That is one of the primary concerns that I have with this. I mean, as I said, when you're talking about kids, and their sensitivity, it doesn't take much if they're not fitting in, to all of sudden make them really feel that they're not fitting in, and what better way to do this? I mean, there are some incredible stories out there relevant to that, and it is a mental abuse.

Senator Molly Kelly, D. 10: And it is my sense that on cyberbullying as well, this message about a certain person, or to embarrass them, or intimidate them, goes out to more than one person. It actually can go out in a mail form, on an internet to a class...

Representative Charron: Excellent point.

Senator Molly Kelly, D. 10: ...a whole class, or a picture of someone, and you don't have control...

Representative Charron: Right, excellent point.

Senator Molly Kelly, D. 10: ...on giving someone some information about yourself.

Representative Charron: Well, we had listened last year to some testimony reference, an individual at UNH, who was spurned. The girlfriend dumped him, and he started getting a little foolish with some pictures that had been taken, and you know, the old saying is, "Once on the internet it can never be retrieved." It just lives on and on and on and on, and this would be the same thing.

Senator Molly Kelly, D. 10: Thank you. Senator Letourneau.

Senator Robert J. Letourneau, D. 19: Thank you. This goes beyond children, obviously.

Representative Charron: Oh yes.

Senator Robert J. Letourneau, D. 19: This applies to everybody, and I have to wonder, about the blogs, I mean, I read the blogs in the morning in the

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Union Leader. There's some pretty serious discussion going on there that could probably hurt some people's feelings, and of course, the amount of things they say about us politicians is not pretty either. I could see where, you know, somebody would sue somebody over something like this, and I think it needs to be more defined. I mean, it's so broad. I mean, I could just make the claim that you've embarrassed me, or you've intimidated me because you said something about me on the internet.

The old adage, you know, "Sticks and stones may break my bones, but words can't hurt me." I'm trying to figure how this all fits in. And you know, we make a law, there's unintended consequences, and I'm wondering what those unintended consequences are on the internet.

Representative Charron: If I may.

Senator Molly Kelly, D. 10: Yes.

Representative Charron: This bill in particular, at least from my perspective, Senator, is a bill really relative to the children.

Senator Robert J. Letourneau, D. 19: Doesn't say that though.

Representative Charron: Well, it is...

Senator Bette R. Lasky, D. 13: I'm getting the statute, that would be where it, where it's place is.

Senator Robert J. Letourneau, D. 19: In schools.

Senator Molly Kelly, D. 10: Yeah.

Representative Charron: Right.

Senator Molly Kelly, D. 10: It's called, "Pupil Safety and Violence Protection," and it's amending RSA 193-F, which does refer...

Senator Robert J. Letourneau, D. 19: I think this should have went to Judiciary and not, but okay. Thank you.

Senator Molly Kelly, D. 10: Thank you.

Representative Charron: Thank you.

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Senator Molly Kelly, D. 10: I have Jim O'Neil in favor, but not speaking. Is there anyone else here who would like to speak?

Kathleen Murphy: May I speak?

Senator Molly Kelly, D. 10: You may.

Ms. Murphy: Good morning. I apologize for not signing in. I should have done that, and I didn't. I'm Kathleen Murphy. I'm the Director for the Division of Instruction at the Department of Education. We, in fact, support the language of this bill in defining bullying as well as cyberbullying.

I have had the opportunity to participate since last spring with a Committee that has developed the language for the House bill. I think that, in terms of this language, it is easily worked in with the language that the House Committee has developed around bullying and cyberbullying. So we do support this language, from the Department's point of view.

A couple of things, in the bullying, the question was asked around, how does cyberbullying affect what happens on school property? Because there is a tie there, but it may happen from home, it may happen from a café site, or somewhere else. But the language that's in the House bill is very specific when it says it substantially disrupts the orderly operation of the school. So if those cyberbullying messages come into the school property and the school environment, then that does become a school issue, and that will be dealt with by the folks at the schools that deal with that. So I just wanted to, kind of, reflect on that notion. That's how they addressed the concerns around messages that came from the outside.

Senator Molly Kelly, D. 10: Okay, thank you. Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Thank you, for your testimony.

My question is, I know it was asked, and I know from personal experience, that when you go to the schools, many of the schools with this type of complaint, they say, "I don't have anything to hang my hat on," in terms of, you know, of discipline, or whatever. As a definition here, and that's why I'm trying to, will this, you know, resolve any of that? Will this, just by putting it in definition, say, "Okay, this is what we're dealing with and we can go to other, you know, or relate it to how we deal with other safety and violent issues?"



Ms. Murphy: That's a great question, Senator. In fact, the definition, all by itself, will not have the impact, unless there is additional language that's specific about how those bullying incidents are handled in a school. The House bill does do that. It clearly delineates the method in which a school administrator will respond with timelines, communication, how they will communicate.

In addition, to the question that you asked, Senator Letourneau, the administrator, at least from my experience, having been a superintendent and a school principal, the police are often involved in these matters. When youngsters receive a threatening email, or an adult, it really doesn't matter does it? That can and does become a police matter, and school administrators will often refer to that, especially with an issue around threatening, physical threatening, and bodily harm. So, the police are very active and involved with these situations in schools.

Senator Molly Kelly, D. 10: Yes.

Senator Bette R. Lasky, D. 13: I guess, in, further the questions, as far as giving, you know, teeth to the school districts, do you think this is something that the State needs to do, rather than leaving it up to the, you know, local control, leaving it up to the individual school boards, and the school departments is? And, I have not read the House bill. Is it enabling legislation, so that, were each department, you know, wanting to do something, it would allow them to do it?

Ms. Murphy: I think that the language in the House bill did and what the language in this particular does, is strengthen what's already on the books. It helps the school districts to be more definitive in what is the intent behind this legislation, and it's very clear, and I think that it will help administrators have a better sense of what their responsibilities are, what the school district's responsibility, and ultimately the school board's.

Senator Bette R. Lasky, D. 13: One last follow up? And in your experience, they're looking for this kind of help and this kind of...

Ms. Murphy: Absolutely.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Molly Kelly, D. 10: Thank you. Senator Letourneau.

Senator Robert J. Letourneau, D. 19: Thank you. It's my understanding, and I've got grandchildren in school. They have phones and they're not

allowed to use them, they're not allowed to, in fact, they have to keep them in their lockers. They're not even supposed to have them in their lockers, as far as I know, but they, how else are they going to contact their parents when they're done? So, wouldn't it be an easier solution just to ban cell phones in schools?

Ms. Murphy: You know, we thought that for a long time, and then the Columbine incident happened, and in fact, what one of the outcomes of that horrific situation was, that a number of youngsters had cell phones on them as they were in the building, and it was deemed by the families and the, actually, the police departments, that that was a good thing, because the youngsters were able to give information about where they were in the building, what was happening, and I think that, because of that incident, parents have this sense of security that their youngsters have a way to communicate with them. And you know what happens at the end of the day, it's four o'clock, a lot of people aren't around, it's a way that parents have that connection with their kids.

Senator Robert J. Letourneau, D. 19: And I don't disagree with you there, I mean, I say that metaphorically...

Ms. Murphy: I know that.

Senator Robert J. Letourneau, D. 19: ...because, you know, you're not supposed to have cell phones to begin with in school, I mean, they carry them around with them. They're not supposed to have them on because they could actually cheat on a test with texting.

Ms. Murphy: Not our students.

Senator Robert J. Letourneau, D. 19: But, as far as the internet is concerned, any computer anywhere in the world can get any message from anywhere in the world. So I mean, the part here that says, which means the use of the internet, cell phone, pager, or other electronic device on school property, I mean, in reality, the pornographic stuff could come through computers in the school because it's on the internet.

Ms. Murphy: That is, I understand what you're saying. However, the school computers have systems and software set up to block that kind of information.

Senator Robert J. Letourneau, D. 19: I understand that too.

Ms. Murphy: Yeah, so, I mean...

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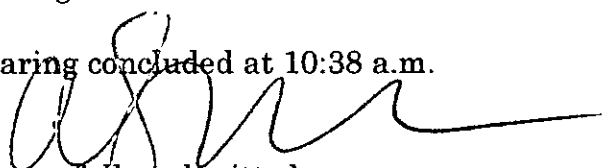
Senator Robert J. Letourneau, D. 19: I'm very savvy with internet phones and all this stuff. This is something I did all my life, is electronic stuff. I ask these questions because I think it's, your basis has merit, and I understand where you're going with this, but I think it's so broad that there's going to be some unintended consequences. That's my feeling on it.

Senator Molly Kelly, D. 10: Any other questions?

Ms. Murphy: Thank you.

Senator Molly Kelly, D. 10: Thank you, thank you so much. Is there anyone else who would like to speak to this bill? If not, I'm going to close the hearing on SB 482.

Hearing concluded at 10:38 a.m.



Respectfully submitted,

Recorded by Donna Nelson, Senate Committee Secretary

Transcribed by Addie Shankle, Senate Committee Secretary

6/21/10

2 Attachments



Teen's suicide prompts a look at bullying



PRINCE

By Kathy McCabe
Boston Staff / January 24, 2010

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Phoebe Prince's lilting Irish accent and wide smile made the 15-year-old freshman stand out at South Hadley High School, where she enrolled last fall after her family relocated from a tiny village in the west of Ireland.

Her principal called her smart and charming. A boy invited the new girl to the school's winter cotillion, a highlight of the school year. But two days before the Jan. 16 dance, Prince died in an apparent suicide, after incessant bullying by classmates at the 700-student high school.

"In a school with that many kids, there are going to be issues," Sergeant Robert Wheihan, a spokesman for the South Hadley Police Department said yesterday. "We are investigating what effects the bullying might have had on the suicide."

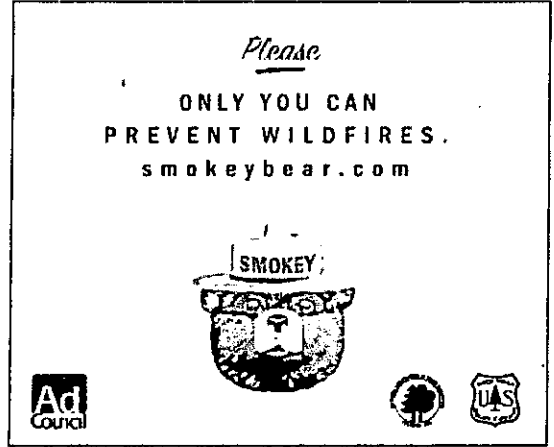
The bullying included disagreements over teen romances at school, school officials said. And it continued with taunting text messages and harassing postings on Facebook, the popular social networking site.

The real problem now is the texting stuff and the cyber-bullying," said South Hadley School Superintendent Gus A. Sayer. "Some kids can be very mean towards one another using that medium."

Sayer declined to comment on the exact nature of the bullying, but said much of it was done online or by cellphones.

Apparently the young woman had been subjected to taunting from her classmates, mostly through the Facebook and text messages, but also in person on at least a couple of occasions."

In a letter sent to parents, South Hadley High School Principal Daniel Smith said Prince and other students were involved in "public disagreements" at the



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school over dating issues, prompting school officials to discipline students.

These disagreements centered on relationship/dating issues," Smith wrote in a letter dated Jan. 20. "School personnel immediately intervened . . . and both counseled and provided consequences as the situations required. It is what happened after those incidents were over that is cause for significant concern." Sayer declined to say if any students have been disciplined since Prince died.

The death is being investigated by South Hadley police and the office of Northwest District Attorney Elizabeth D. Scheibel. Scheibel could not be reached for comment yesterday. Prince's death has unleashed a wave of shock in this small town in Western Massachusetts. Loving remembrances and condolences fill four pages in an online memorial site.

Hundreds attended a candlelight vigil organized by students on the school softball field the day after she died. Letters from parents and residents prompted Smith to announce the creation of an antibullying task force at the high school.

But the first meeting on the task force, scheduled for Tuesday, has been postponed, to allow more time for South Hadley to mourn the loss. "There are still people who are very upset and grieving," Sayer said.

On Wednesday, the South Hadley School Committee will discuss antibullying policies at the town's four schools. A system-wide review had been underway for 18 months, as instances of bullying crept into schools, officials said.

At the request of the Prince family, there will be no discussion of the girl's death, said Edward Boiselle, the school committee chairman.

There will be a discussion of the policy and what programs we have to make kids safer," he said. "At the same time, the family has a right to their privacy."

But Prince's death clearly has added urgency for South Hadley to crack down on bullying, he said. "We've already begun a discussion about what things we can do to help prevent things like this from happening," Sayer said.

In his letter to parents, Principal Smith called Prince "smart, charming, and as the case with many teenagers, complicated . . . We will never know the specific reasons why she chose to take her life."

South Hadley police received a call from one of her sisters for medical assistance at 4:40 p.m. on Jan. 14 to the Prince family home. Police, fire and an ambulance responded. "It was a hanging, I believe," said Whelihan, the South Hadley police spokesman.

The state medical examiner has conducted an autopsy but the results are not yet known, he said.

Prince was the daughter of Anne O'Brien Prince and Jeremy Prince. She also leaves her sisters, Lauren, Tessa, Bridget, and a brother, Simon, according to a death notice published in The Republican, a Springfield newspaper. The family could not be reached for comment.

The family moved to Western Massachusetts last year, in part, "so that Phoebe could experience America," they wrote in the death notice stated. "Here she touched many lives with her Irish mannerisms and sense of humor."

Kathy McCabe can be reached at kmccabe@globe.com.

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| Horoscopes | Games | Lottery
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history

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It's time to get tough with bullies

By Margery Eegan | Tuesday January 26, 2010 | <http://www.bostonherald.com> | Columnists

ough.

When South Hadley authorities find the girls who drove Phoebe Prince to take her own life, they should prosecute them.

Stop pretending they're just cruel and nasty girls being girls. They're criminal torturers.

Once upon a time, as the bullied among us know, the torment ended at our front door. We were safe at home, enclosed by four walls, relieved, at least until the next morning at school.

But in wired-up 2010, there is no escape. The taunts come right through the bedroom walls. South Hadley High's principal said Phoebe Prince was targeted via texts on her cell phone and taunts on her computer and Facebook and other social networking sites. Her tormentors had access 24 hours a day.

Boys beat each other up.

Girls spread vicious rumors. They call each other ugly names. They roll their eyes and laugh derisively and whisper as their victim squirms before them, helpless.

Girls exclude. Their prey is banished from their cafeteria lunch table. She's not invited to the party. She's isolated, alone.

Sometimes, as the bullied among us know, the poor girl who's the target of this torture tells her parents, only to hear useless advice. "Ignore it. . . . It'll pass. . . . They're just jealous."

She doesn't get what she needs: someone to take her suffering seriously.

Sometimes, she tells no one. She doesn't want to worry her parents. She's afraid her parents will tell the teachers, who can't or won't stop it, and things will get worse. Sometimes, sadly, she thinks if she doesn't tell, somehow the bully will come to accept her for displaying a sort of warped, twisted "loyalty."

Then there is the girl who doesn't tell because she knows no one will believe her. Many bullies, whatever demons they hide, do not look the part. No, they are popular, handsome, good students with many friends - friends who stand by, enabling and watching and conspiring in the torment.

Oh, for a world of brave hearts who'll stand up to bullies. I'll never forget in my own high school when the big, tough football star rescued a girl who was being harassed by four or five boys.

"Leave her alone," he said, and led her away. But then, the big, tough football star could get away with it. I've not seen anything like it since.

Until then, parents and teachers preaching zero tolerance aren't enough. We want to get serious?

Send in the cops.

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Photo by Christopher Evans

Cyberbullying Bill Could Ensnare Free Speech Rights

Critics say the Megan Meier Cyberbullying Prevention Act is too broad and would act as judge and jury to prove that one person "cyberbullied" another.

Steven Kotler
OJXNews.com
Thursday, May 14, 2009

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The bill introduced in the House of Representatives last month by Rep. Linda Sanchez, D-Calif., is designed to prevent cyberbullying, making it punishable by a fine and up to two years in prison.

At least one blogger is calling the Megan Meier Cyberbullying Prevention Act the "Censorship Act of 2009" -- and many free speech advocates say its language is too broad and that it would act as judge and jury to determine whether there is significant evidence to prove that one person "cyberbullied" another.

"We have existing harassment statutes in all 50 states that already cover this problem," says Parry Aftab, a lawyer and Internet security expert who's at the forefront of the anti-cyberbullying movement. "We don't need Linda Sanchez's law."

Sanchez's attempt to define the term "cyberbullying" poses problems, said UCLA law professor Eugene Volokh.

The bill defines it as 'using electronic means to support severe, repeated and hostile behavior,' but what does 'severe, hostile and repeated behavior' mean?" he asked.

"I've written articles opposing the bill that have appeared online. That's electronic and -- because I've written a few of them -- repeated. I was also severe and hostile in my criticisms. Under her law, I can now go to jail."

And so could many political commentators and Web bloggers who earn their keep by being confrontational and inflammatory. A TV host like MSNBC's Keith Olbermann, who's been openly and repeatedly hostile to former Vice President Dick Cheney on his Web site, would not be safe from prosecution, the analysts say.

Even advocates of child safety on the Internet say the bill is impractical, at best.

"If you wanted to, you can't legislate against meanness," said Larry Magid, co-director of ConnectSafely.org. "Contextual. If I call you fat, maybe I was bullying, or maybe I was concerned about your health, or maybe it was a relatively innocuous slight."

The bill's critics also note that the law is intended to protect minors from minors, but that doesn't show up in its language.

As written now, the bill would also apply to adults, says John Morris, general counsel for the Washington, D.C.-based Center for Democracy and Technology.

And, he said: "It's not clear from any of the data that cyberbullying among adults is an issue."

Morris said cyberbullying is a local problem best solved at the local level.

Most research suggests cyberbullying is most appropriately handled with more education, in school. It's hard to imagine how federalizing the matter accomplishes this," he said.

The bill is named after Megan Meier, the Missouri 13-year-old who committed suicide in 2006 after a classmate's e-friend, Lori Drew, pretended to be a teenage boy and tormented her on the MySpace social-networking site.

Drew was convicted in November of three misdemeanors in federal court and awaits sentencing. She faces up to three years in prison.

But using Megan Meier as a proxy for the typical cyberbullying victim is a mistake, some experts say.

"Megan Meier had been taking psychotropic drugs," said Aftab, who founded WiredSafety.org and Wiredkids.org. "She is emotionally fragile."

"This was a rare case, an anomaly," agrees Justin Patchin, co-founder of Cyberbullying.us and associate professor of criminal justice at the University of Wisconsin-Eau Claire. "Megan shouldn't be the basis of a new law."

Arsha Catron, communications director for Congresswoman Sanchez, argued otherwise.

Megan is the right poster child for this. She was happy. She had plans for the future. Nothing suggested she was going to kill herself until Mrs. Drew created that fake MySpace page," Catron said.

The problem of cyberbullying clearly exists. A 2006 study in the journal Pediatrics reported that the incidence of cyberbullying among teens and pre-teens had increased by 50 percent in the previous five years, and 38 percent of those affected reported being "very or extremely upset or afraid because of the incident."

In an article defending her bill on the Huffington Post, Rep. Sanchez wrote that "a young person exposed to repeated, severe and hostile bullying online is at risk for depression and suicide."

She cited a U.S. Secret Service study that shows bullying puts kids at risk for becoming perpetrators of school violence, such as those behind the Columbine massacre, and said that her legislation would no longer let cyberbullies

de help the "emboldening anonymity of the Web."

er spokeswoman, Catron, was even more emphatic.

ve need this law," Catron told FOXNews.com "Anyone who feels differently greatly underestimates the importance
cial networks play in teenage lives."

even if the bill makes it through Congress, most of the experts interviewed for this article were uncertain it would
up in court.

lot only is Sanchez's bill unconstitutional," Volokh said, "but with our existing laws, criminal harassment (as opposed
sexual) is not a well defined term. Definitions vary from state to state, but generally it's threatening, persistent
communication. There are no anti-mind-game-harassment laws out there."

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delayed 20 minutes.

Attachment 2**Carson, Sharon**

From: genecharron@comcast.net
Sent: Monday, February 15, 2010 10:26 AM
To: Kelly, Molly
Cc: Carson, Sharon
Subject: SB482/Charron

State Representative Gene P. Charron
District 7 Chester, Sandown and Danville
Rockingham County
Monday, February 15, 2010

Dear Senator Kelly and members of the Education Committee:

Not knowing what the weather is going to be and the affect it will have on driving conditions, I felt that I wanted to write you in the event for some reason I do not make the meeting on time. I also have simultaneous meetings for the same time frame, we all know what that is.

I am in strong support of SB-482 relative to bullying and cyber bullying. Each of you including myself have seen, or maybe even experienced bullying. It occurred in the schoolyard, waiting in line to get into the movies and the Saturday morning bully broke into the line. Of course, we never said anything he was a lot bigger. Halloween we stayed away from a particular neighborhood because of bully's who would steal our candy. It happens in sports too! **But, we knew who they were!**

There is certainly no question that there are bully's today who continue to work no different then my day but, the cyber bully's take the issue to another level, a level above and beyond what we ever would have thought of.

Text messaging, Face Book, email, cell phones are all methods of communicating in insidious ways. Children and young adults are very

vulnerable . Peer pressure is incredible and of course people can bully anonymously so the ability to threaten, intimidate and embarrass are quite easy. I strongly ask for your support on this very important issue.

Gene P. Charron

Speakers

Testimony

Good Morning Madame Chair and Honorable committee members,

For the record, I am Senator Sharon M. Carson and I have the pleasure to represent the citizens for District 14, comprising the towns of Auburn, Hudson and Londonderry.

I present today for your consideration, SB 482, which defines bullying and cyber bullying within the pupil safety and violence prevention statute.

I have brought this bill forward due to the outbreak of cyber bullying in our country. With all our wonderful technology, sometimes there is a darker side and now, in some instances, technology is being used to intimidate and harass individuals. This bill places into statute a definition of cyber bullying, so our school districts can directly address this issue, if it should occur within their school population.

I have included for your deliberations, some articles addressing the problem of cyber bullying. We must, as a State, ensure that when a pupil enters into our school system, no matter where that might be, that they are safe from intimidation and harassment.

Thank you Madame Chair.

Voting Sheets

Senate Education Committee

EXECUTIVE SESSION

Bill # SB482

Hearing date: 2/16/10

Executive session date: 3/16/10

Motion of: Int-Study ~~Int-Study~~

VOTE: 4-0

Made by Kelly
Senator: Merrill
 Fuller Clark
 Lasky
 Bragdon
 Letourneau

Seconded Kelly
by Senator: Merrill
 Fuller Clark
 Lasky
 Bragdon
 Letourneau

Reported Kelly
by Senator: Merrill
 Fuller Clark
 Lasky
 Bragdon
 Letourneau

Motion of: _____

VOTE: _____

Made by Kelly
Senator: Merrill
 Fuller Clark
 Lasky
 Bragdon
 Letourneau

Seconded Kelly
by Senator: Merrill
 Fuller Clark
 Lasky
 Bragdon
 Letourneau

Reported Kelly
by Senator: Merrill
 Fuller Clark
 Lasky
 Bragdon
 Letourneau

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Kelly, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bragdon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Letourneau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 16, 2010

THE COMMITTEE ON Education

to which was referred Senate Bill 482

AN ACT relative to bullying and cyberbullying in schools.

Having considered the same, the committee recommends that the Bill:

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Amanda Merrill
For the Committee

Donna Nelson 271-4151

New Hampshire General Court - Bill Status System

Docket of SB482

Docket Abbreviations

Bill Title: relative to bullying and cyberbullying in schools.*Official Docket of SB482:*

Date	Body	Description
01/21/2010	S	Introduced and Referred to Education; SJ 3 , Pg.46
02/11/2010	S	Hearing: February 16, 2010, Room 103, LOB, 10:15 a.m.; SC7
03/16/2010	S	Committee Report: Referred to Interim Study 3/17/10; SC11B
03/17/2010	S	Referred to Interim Study, Not Voted On
03/17/2010	S	Sen. Merrill Moved Laid on Table, MA, VV; SJ 10 , Pg.161

 NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems
107 North Main Street - State House Room 31, Concord NH 03301*

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB482 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
_____ FINAL VERSION _____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

_____ n/a _____

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

August 18, 2010

COMMITTEE SECRETARY