

Cyberbullying has been a problem ever since it was possible to communicate through electronic devices. Cyberbullying is defined by Merriam-Webster as “the electronic posting of mean-spirited messages about a person (such as a student) often done anonymously.” With this definition of cyberbullying in mind, it can be seen why the first amendment has to be referred to when accusing and punishing cyberbullying. Schools are given implied powers to handle cyberbullying. Those include discipline if the cyberbullying causes a substantial disruption to school activities or if it infringes on the rights of other students at the school.

Ever since the decision of the Supreme Court in *Tinker v. Des Moines*, school officials have punished students for cyberbullying if the cyberbullying caused a substantial disruption in the school and invaded the rights of other students. The website *stopbullying.gov* states that “If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process,” in reference to the punishments of students for cyberbullying. Based on this it can be seen that schools can only act on cyberbullying if it interferes with school activities. Because schools do not have the right to punish students if cyberbullying does not affect school activities or cause a substantial disruption, cyberbullying should not be handled by schools if it occurs off-campus and does not cause a substantial disruption in schools. Thankfully, many platforms have a way to report cyberbullying.

Even though at this point it may seem like there is not a way to handle cyberbullying if there are not any online witnesses, there is a sort of loophole for schools to handle cyberbullying. In *Tinker v. Des Moines*, the Court intimated that school officials could punish students if their speech invaded the rights of other students. (Hudson, David) With this little implication from the Supreme Court, punishment of students can be handled by schools if it invades the rights of other students.

While some may say that substantial disruption can be loosely defined and that a little implication would not be enough to punish a student for cyberbullying based on what the Third Circuit Court of Ohio ruled in *Layshock v. Hermitage School District* saying “it would be a dangerous and unseemly precedent to allow the state, in the guise of school authorities, to reach into a child’s home and control his/her actions there to the same extent that it can control that child when he/she participates in school sponsored activities.” (Hudson, David) They may also use the evidence that “In its 1986 decision in *Bethel School District v. Fraser*, the U.S. Supreme Court said that although schools have the authority to sanction students for *on-campus* offensive, such as profane language, schools are prohibited from punishing students for the use of *off-campus* inappropriate language unless the Tinker legal standard is satisfied.” (Green, Lee) While these may be true, schools do have implied powers to make sure that their students are safe and are not bullied or cyberbullied. Schools are given the implied powers to also handle and punish students for cyberbullying when the rights of students are infringed upon and also when the cyberbullying causes a substantial disruption at the school.

Because of how recent the issue of cyberbullying is, the laws for it are still developing and trying to keep up with the times. Even while this is going on, schools have a duty to their students to protect them and to discipline students who act in a disrespectful or disruptive ways. Schools also are given the implied powers to punish students and to protect their rights, even if this means online. While the ability to protect students by the law is still developing, schools should have the power to handle cyberbullying in the same way that they would handle bullying at schools.

Works Cited

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