

Senate Bill 476

By: Senators Harbison of the 15th, Stokes of the 43rd and Clay of the 37th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to make certain changes relating to local school
3 board policies regarding bullying in student codes of conduct; to provide for the definition
4 of "bullying behavior"; to provide that policies relating to bullying behavior apply to students
5 in kindergarten through grade 12; to require training on bullying behavior for certain school
6 system personnel; to provide that local school systems provide information to the Department
7 of Education on the number and disposition of bullying incidents reported; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
12 secondary education, is amended by striking Code Section 20-2-751.4, relating to policies
13 prohibiting bullying, assignment to alternative school, and notice, in its entirety and inserting
14 in lieu thereof the following:

15 "20-2-751.4.

16 (a) As used in this Code section, the term 'bullying behavior' means: any repeated overt
17 act, such as hitting, kicking, or pushing, or any repeated covert act, such as excluding,
18 ignoring, or gossiping in a malicious manner, with the intent to ridicule, humiliate,
19 intimidate, or inflict injury or harm through physical contact, verbal abuse, or other means.
20 This shall further mean behavior that occurs over time and is characterized by an imbalance
21 of power on the part of one or more students over the victim and which may have the effect
22 of resulting in absenteeism, declining grades, or physical, mental, or emotional harm to the
23 victim.

24 ~~(1) Any willful attempt or threat to inflict injury on another person, when accompanied~~
25 ~~by an apparent present ability to do so; or~~

1 ~~(2) Any intentional display of force such as would give the victim reason to fear or~~
 2 ~~expect immediate bodily harm.~~

3 (b) Each local board of education shall adopt policies, applicable to students in ~~grades six~~
 4 kindergarten through grade 12, that prohibit bullying ~~of a student by another~~ behavior by
 5 a student and shall require such prohibition to be included in the student code of conduct
 6 for middle and high schools in that school system. Local board policies shall:

7 (1) Require ~~require~~ that, upon a finding that a student has committed the offense of
 8 bullying behavior for the third time in a school year, such student shall be assigned to an
 9 alternative school;

10 (2) Require that each reported incident of bullying behavior is investigated and a
 11 disposition determined;

12 (3) Include procedures for handling anonymous reporting of incidents of bullying
 13 behavior, including the protection of the identity of the alleged victim of an incident of
 14 bullying behavior;

15 (4) Include procedures for the reporting of an alleged incident of bullying behavior by
 16 a parent of a student; and

17 (5) Include disciplinary procedures and consequences to the student for the student's or
 18 parent's submission of a false report of an incident of bullying behavior.

19 Each local board of education shall ensure that students and parents of students are notified
 20 of the prohibition against bullying behavior, and the penalties for violating the prohibition,
 21 by posting such information at each middle and high school and by including such
 22 information in student and parent handbooks.

23 (c) Each local board of education shall ensure that the local superintendent and all
 24 principals, assistant principals, resource officers, and other appropriate staff complete a
 25 research based training program relating to bullying behavior.

26 (d) Each local board of education shall include the number of incidents of bullying
 27 behavior reported in its school system and the disposition of such incidents in the annual
 28 report required to be submitted to the Department of Education pursuant to Code Section
 29 20-2-740.

30 (e) Any school system which is not in compliance with the requirements of this Code
 31 section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and
 32 20-2-260."

33 SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.