

Senate Bill 461

By: Senators Rogers of the 21st and Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of
2 Georgia Annotated, relating to discipline of students in elementary and secondary education,
3 so as to provide schools with certain guidelines regarding bullying; to require schools to
4 submit to the Department of Education a policy regarding bullying; to direct the Department
5 of Education to develop a model policy regarding bullying; to provide immunity for certain
6 individuals reporting a bullying incident; to provide for rules and regulations; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
11 Annotated, relating to discipline of students in elementary and secondary education, is
12 amended by revising Code Section 20-2-751.4, relating to bullying, as follows:

13 "20-2-751.4.

14 (a) As used in this Code section, the term 'bullying' means any intentional written,
15 electronic, verbal, or physical act or actions against another person that a reasonable person
16 under the circumstances should know will have the effect of:

17 ~~(1) Any willful attempt or threat to inflict injury on another person, when accompanied~~
18 ~~by an apparent present ability to do so~~ Placing a person in reasonable fear of substantial
19 harm to his or her emotional or physical well-being or substantial damage to his or her
20 property; or

21 ~~(2) Any intentional display of force such as would give the victim reason to fear or~~
22 ~~expect immediate bodily harm~~ Creating a hostile, threatening, humiliating, or abusive
23 educational environment due to the pervasiveness or persistence of actions or due to a
24 power differential between the bully and the target;

25 (3) Interfering with a student having a safe school environment that is necessary to
26 facilitate educational performance, opportunities, or benefits; or

1 (4) Perpetuating bullying by inciting, soliciting, or coercing an individual or group to
2 demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to
3 another person.

4 (b) Each local board of education shall adopt policies; applicable to students in ~~grades six~~
5 kindergarten through grade 12; that prohibit bullying of a student person by another student
6 person and shall require such prohibition to be included in the student code of conduct for
7 ~~middle and high~~ schools in that school system. Local board of education policies regarding
8 bullying adopted pursuant to this subsection shall, at a minimum, include the following:

9 (1) A statement prohibiting bullying of any person on school property or at school
10 related functions or by use of data or software that is accessed through a computer,
11 computer system, computer network, or other electronic technology of a local school
12 system from kindergarten through grade 12;

13 (2) A definition of bullying no less inclusive than the definition in subsection (a) of this
14 Code section;

15 (3) A requirement that each school develop a school-wide bullying prevention program;

16 (4) A requirement that each school establish a site based committee that shall be
17 responsible for coordinating the school's bullying prevention program, including the
18 design, approval, and monitoring of such program. A majority of the members of such
19 site based committee shall be members of the school's professional staff, of which a
20 majority shall be instructional staff. The committee also shall contain representatives of
21 the administrative staff, support staff, student body for schools enrolling students in
22 grades seven through 12, parents or guardians, and staff from before-school or
23 after-school programs, if applicable. These representatives shall be chosen by members
24 of each respective group, except that representatives of the nonemployee groups shall be
25 appointed by the school principal;

26 (5) A requirement that any school employee that has reliable information that would lead
27 a reasonable person to suspect that a person is a target of bullying shall immediately
28 report it to the school principal;

29 (6) A requirement that each school have a procedure for the school administration to
30 promptly investigate in a timely manner and determine whether bullying has occurred;

31 (7) A requirement that, to the extent that funding is available, each school shall develop
32 a plan for a system of supervision in nonclassroom areas. The plan shall provide for the
33 review and exchange of information regarding nonclassroom areas;

34 (8) An identification of an appropriate range of consequences for bullying;

35 (9) A procedure for a student and parent or guardian to provide information on bullying
36 activity. However, this paragraph shall not permit formal disciplinary action solely based
37 on an anonymous report;

1 (10) A requirement that a parent or guardian of any target of bullying or person who
 2 bullies another shall be notified;

3 (11) A requirement that all bullying incidents shall be reported to the Department of
 4 Education within five working days;

5 (12) A statement prohibiting retaliation following a report of bullying;

6 (13) A procedure for communication between school staff members and medical
 7 professionals who are involved in treating students for bullying issues; and

8 (14) A requirement that the school bullying prevention program shall be implemented
 9 throughout the year and integrated with the school's discipline policies.

10 (c) Local board policies shall require that, upon a finding that a student has committed the
 11 offense of bullying for the third time in a school year, such student shall be assigned to an
 12 alternative school. Each local board of education shall ensure that students and parents of
 13 students are notified of the prohibition against bullying; and the penalties for violating the
 14 such prohibition; by posting such information at each middle and high school and by
 15 including such information in student and parent handbooks.

16 (d) Each local school system shall adopt policies consistent with subsections (b) and (c)
 17 of this Code section and submit a copy of such policies to the Department of Education by
 18 January 1, 2009, and such policies shall appear in the student and staff handbook, and if
 19 no handbook is available, or it is not practical to reprint new handbooks, a copy of such
 20 policies shall be distributed annually to all students, parents or guardians, faculty, and staff.

21 (e) The Department of Education shall develop a model policy, that may change from time
 22 to time, that is applicable to students in kindergarten through grade 12 and shall post this
 23 policy on its website in order to assist local school systems.

24 (f) A school employee, school volunteer, student, parent, or guardian shall be individually
 25 immune from a cause of action for damages arising from reporting bullying in good faith
 26 to the appropriate person or persons using the procedures specified in the local school
 27 system's bullying prevention policy.

28 (g) The Department of Education shall promulgate rules and regulations necessary to
 29 implement this Code section.

30 (e)(h) 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.