

The Senate Education and Youth Committee offered the following substitute to SB 461:

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:

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

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

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

24 (1) A statement prohibiting bullying of any person on school property or at school  
25 related functions or by use of data or software that is accessed through a computer,

1 computer system, computer network, or other electronic technology of a local school  
2 system from kindergarten through grade 12;

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

4 (3) A requirement that each school council shall be responsible for coordinating the  
5 school's bullying prevention program, including the design, approval, and monitoring of  
6 such program;

7 (4) A requirement that any school employee that has reliable information that would lead  
8 a reasonable person to suspect that a person is a target of bullying shall immediately  
9 report it to the school principal;

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

12 (6) An identification of an age appropriate range of consequences for bullying;

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

16 (8) A requirement that a parent or guardian of any target of bullying or person who  
17 bullies another shall be notified;

18 (9) A requirement that all bullying incidents shall be reported to the Department of  
19 Education within five working days; and

20 (10) A statement prohibiting retaliation following a report of bullying.

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

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

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

35 (f) A school employee, school volunteer, student, parent, or guardian shall be individually  
36 immune from a cause of action for damages arising from reporting or failing to report

1 bullying in good faith to the appropriate person or persons using the procedures specified  
2 in the local school system's bullying prevention policy.

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

5 ~~(e)~~(h) Any school system which is not in compliance with the requirements of this Code  
6 section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and  
7 20-2-260."

8 **SECTION 2.**

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