

The House Committee on Education offers 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 (3) Any intentional written, verbal, or physical act that:

20 (A) Physically harms a student or damages a student's property;

21 (B) Has the effect of substantially interfering with a student's education;

22 (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening
23 educational environment; or

24 (D) Has the effect of substantially disrupting the orderly operation of the school; or

1 (4) Retaliation against a student or school employee by another student or school
 2 employee for asserting or alleging an act of bullying. Falsely reporting an act of bullying
 3 may be considered retaliation.

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, on school
 10 vehicles, or at school related functions or by use of data or software that is accessed
 11 through a computer, computer system, computer network, or other electronic technology
 12 of a local school system or on school property, on school vehicles, or at school related
 13 functions from kindergarten through grade 12;

14 (2) A requirement that each school with input and advice from the school council
 15 develop a school-wide bullying prevention program;

16 (3) A requirement that any school employee that has reliable information that would lead
 17 a reasonable person to suspect that a person is a target of bullying shall immediately
 18 report it to the school principal;

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

21 (5) An identification of an age appropriate range of consequences for bullying;

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

25 (7) A requirement that a parent or guardian of any target of bullying or person who
 26 bullies another shall be notified; and

27 (8) A statement prohibiting retaliation following a report of bullying.

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

34 (d) Each local school system shall adopt policies consistent with subsections (b) and (c)
 35 of this Code section and submit a copy of such policies to the Department of Education by
 36 August 1, 2009, and such policies shall appear in the student and staff handbook, and if no

1 handbook is available, or it is not practical to reprint new handbooks, a copy of such
2 policies shall be distributed annually to all students, parents or guardians, faculty, and staff.
3 (e) The Department of Education shall develop a model policy, that may change from time
4 to time, that is applicable to students in kindergarten through grade 12 and shall post this
5 policy on its website in order to assist local school systems.
6 (f) A school employee, school volunteer, student, parent, or guardian shall be individually
7 immune from a cause of action for damages arising from reporting or failing to report
8 bullying in good faith to the appropriate person or persons using the procedures specified
9 in the local school system's bullying prevention policy.
10 (g) The Department of Education shall promulgate rules and regulations necessary to
11 implement this Code section.
12 ~~(c)~~(h) Any school system which is not in compliance with the requirements of this Code
13 section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and
14 20-2-260."

15 **SECTION 2.**

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