

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.