

Senate Bill 250

By: Senator Hamrick of the 30th

AS PASSED

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 revise provisions relating to unlawful
3 disruption of or interference with the operation of public schools or public school buses; to
4 expand the definition of "bullying"; to provide for legislative findings; to provide that a
5 student can be reassigned to another school for the purpose of separating such student from
6 his or her bullying victim; to direct the Department of Education to develop a model policy
7 regarding bullying; to provide that a mental state of knowledge, intention, or recklessness
8 shall be an element of such offense; to provide for an effective date and for applicability; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 It is the intent of the General Assembly that the model policy regarding bullying that is
13 required to be promulgated by the Department of Education under this Act shall be utilized
14 as a resource for the benefit of local school systems and shall not be used as a definition of
15 the exclusive applicable standard of care in any civil or administrative action.

16 **SECTION 2.**

17 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
18 secondary education, is amended by revising Code Section 20-2-751.4, relating to policies
19 prohibiting bullying, as follows:

20 "20-2-751.4.

21 (a) As used in this Code section, the term 'bullying' means an act which occurs on school
22 property, on school vehicles, at designated school bus stops, or at school related functions
23 or activities, or by use of data or software that is accessed through a computer, computer
24 system, computer network, or other electronic technology of a local school system, that is:

- 25 (1) Any willful attempt or threat to inflict injury on another person, when accompanied
 26 by an apparent present ability to do so; ~~or~~
- 27 (2) Any intentional display of force such as would give the victim reason to fear or
 28 expect immediate bodily harm; or
- 29 (3) Any intentional written, verbal, or physical act, which a reasonable person would
 30 perceive as being intended to threaten, harass, or intimidate, that:
- 31 (A) Causes another person substantial physical harm within the meaning of Code
 32 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
 33 16-5-23.1;
- 34 (B) Has the effect of substantially interfering with a student's education;
- 35 (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening
 36 educational environment; or
- 37 (D) Has the effect of substantially disrupting the orderly operation of the school.
- 38 (b) No later than August 1, 2011:
- 39 (1) Each local board of education shall adopt policies, applicable to students in grades
 40 six through 12, that prohibit a policy that prohibits bullying of a student by another
 41 student and shall require such prohibition to be included in the student code of conduct
 42 for ~~middle and high~~ schools in that school system;:
- 43 (2) Each local Local board policies policy shall require that, upon a finding by the
 44 disciplinary hearing officer, panel, or tribunal of school officials provided for in this
 45 subpart that a student in grades six through 12 has committed the offense of bullying for
 46 the third time in a school year, such student shall be assigned to an alternative school;:
- 47 (3) Each local board of education shall establish and publish in its local board policy a
 48 method to notify the parent, guardian, or other person who has control or charge of a
 49 student upon a finding by a school administrator that such student has committed an
 50 offense of bullying or is a victim of bullying; and
- 51 (4) Each local board of education shall ensure that students and parents of students are
 52 notified of the prohibition against bullying, and the penalties for violating the prohibition,
 53 by posting such information at each middle and high school and by including such
 54 information in student and parent handbooks.
- 55 (c) No later than January 1, 2011, the Department of Education shall develop a model
 56 policy regarding bullying, that may be revised from time to time, and shall post such policy
 57 on its website in order to assist local school systems. Such model policy shall include:
- 58 (1) A statement prohibiting bullying;
- 59 (2) A requirement that any teacher or other school employee who has reliable
 60 information that would lead a reasonable person to suspect that someone is a target of
 61 bullying shall immediately report it to the school principal;

- 62 (3) A requirement that each school have a procedure for the school administration to
 63 promptly investigate in a timely manner and determine whether bullying has occurred;
 64 (4) An age-appropriate range of consequences for bullying which shall include, at
 65 minimum and without limitation, disciplinary action or counseling as appropriate under
 66 the circumstances;
 67 (5) A procedure for a teacher or other school employee, student, parent, guardian, or
 68 other person who has control or charge of a student, either anonymously or in such
 69 person's name, at such person's option, to report or otherwise provide information on
 70 bullying activity;
 71 (6) A statement prohibiting retaliation following a report of bullying; and
 72 (7) Provisions consistent with the requirements of subsection (b) of this Code section.
 73 (d) The Department of Education shall develop and post on its website a list of entities and
 74 their contact information which produce antibullying training programs and materials
 75 deemed appropriate by the department for use in local school systems.
 76 (e) Any person who reports an incident of bullying in good faith shall be immune from
 77 civil liability for any damages caused by such reporting.
 78 (f) Nothing in this Code section or in the model policy promulgated by the Department of
 79 Education shall be construed to require a local board of education to provide transportation
 80 to a student transferred to another school as a result of a bullying incident.
 81 (g) Any school system which is not in compliance with the requirements of subsection (b)
 82 of this Code section shall be ineligible to receive state funding pursuant to Code Sections
 83 20-2-161 and 20-2-260."

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SECTION 3.

86 Said chapter is further amended by revising Code Section 20-2-1181, relating to unlawful
 87 disruption of or interference with the operation of public schools or public school buses, as
 88 follows:

89 "20-2-1181.

90 It shall be unlawful for any person to knowingly, intentionally, or recklessly disrupt or
 91 interfere with the operation of any public school, public school bus, or public school bus
 92 stop as designated by local school boards of education. Any person violating this Code
 93 section shall be guilty of a misdemeanor of a high and aggravated nature."

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SECTION 4.

95 This Act shall become effective upon its approval by the Governor or upon its becoming law
 96 without such approval. This Act shall apply with respect to conduct on or after that date and
 97 conduct prior to that date shall continue to be governed by prior law.

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SECTION 5.

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