

Senate Bill 217

By: Senators Butler of the 55th, Reed of the 35th, Buckner of the 44th, Seay of the 34th, Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

1 To establish the "Brittany Sharnay Wells Act"; to amend Article 6 of Chapter 2 of Title 20
2 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so
3 as to provide for a curriculum relating to dating violence; to require the adoption of a policy
4 against dating violence; to provide for related matters; to provide an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Brittany Sharnay Wells Act."

9 **SECTION 2.**

10 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
11 "Quality Basic Education Act," is amended by revising Code Section 20-2-143, relating to
12 sex education and AIDS prevention instruction, implementation, and student exemption, as
13 follows:

14 "20-2-143.

15 (a) Each local board of education shall prescribe a course of study in sex education and
16 AIDS prevention instruction for such grades and grade levels in the public school system
17 as shall be determined by the State Board of Education. Such course of study shall
18 implement either the minimum course of study provided for in subsection (b) of this Code
19 section or its equivalent, as approved by the State Board of Education. Each local board
20 of education shall be authorized to supplement and develop the exact approach of content
21 areas of such minimum course of study with such specific curriculum standards as it may
22 deem appropriate. Such standards shall include instruction relating to the handling of peer
23 pressure, the promotion of high self-esteem, local community values, the legal
24 consequences of parenthood, and abstinence from sexual activity as an effective method

25 of prevention of pregnancy, sexually transmitted diseases, and acquired immune deficiency
26 syndrome.

27 (b) The State Board of Education shall prescribe a minimum course of study in sex
28 education and AIDS prevention instruction which may be included as a part of a course of
29 study in comprehensive health education for such grades and grade levels in the public
30 school system as shall be determined by the state board and shall establish standards for
31 its administration. The course may include instruction concerning human biology,
32 conception, pregnancy, birth, sexually transmitted diseases, and acquired immune
33 deficiency syndrome. The course shall include instruction concerning the legal
34 consequences of parenthood, including, without being limited to, the legal obligation of
35 both parents to support a child and legal penalties or restrictions upon failure to support a
36 child, including, without being limited to, the possible suspension or revocation of a
37 parent's driver's license and occupational or professional licenses. A manual setting out the
38 details of such course of study shall be prepared by or approved by the State School
39 Superintendent in cooperation with the Department of Human Resources, the State Board
40 of Education, and such expert advisers as they may choose.

41 (b.1)(1) As used in this subsection, the term 'dating violence' means a pattern of behavior
42 where one person threatens to use, or actually uses, physical, sexual, verbal, or emotional
43 abuse to control his or her dating partner.

44 (2) The curriculum for the sex education course of study required by this Code section
45 shall incorporate age-appropriate dating violence education for students in grades eight
46 through 12. Dating violence education shall include, but not be limited to, defining
47 dating violence, recognizing dating violence warning signs, and understanding
48 characteristics of healthy relationships. The State Board of Education shall review and
49 approve the grade level topics and curriculum relating to dating violence.

50 ~~(c) The minimum course of study to be prescribed by the State Board of Education~~
51 ~~pursuant to subsection (b) of this Code section shall be ready for implementation not later~~
52 ~~than July 1, 1988. Each local board shall implement either such minimum course of study~~
53 ~~or its equivalent not later than July 1, 1989. Any local board of education which fails to~~
54 ~~comply with this subsection Code section shall not be eligible to receive any state funding~~
55 ~~under this article until such minimum course of study or its equivalent has been~~
56 ~~implemented.~~

57 (d) Any parent or legal guardian of a child to whom the course of study set forth in this
58 Code section is to be taught shall have the right to elect, in writing, that such child not
59 receive such course of study."

SECTION 3.

60

61 Said article is further amended by revising Code Section 20-2-314, relating to the
62 development of rape prevention, personal safety education, and teen dating violence
63 prevention programs, as follows:

64 "20-2-314.

65 (a) The State Board of Education shall develop, with input from appropriate experts, such
66 as rape crisis centers and family violence shelters, a rape prevention and personal safety
67 education program and a program for preventing teen dating violence for grade eight
68 through grade 12 which are consistent with the core curriculum provided for in Code
69 Section 20-2-140. Local boards may implement such programs at any time and for any
70 grade level local boards find appropriate, and the state board shall encourage the
71 implementation of such programs. In addition, the state board shall make information
72 regarding such programs available to the Board of Regents of the University System of
73 Georgia.

74 (b)(1) As used in this subsection, the term:

75 (A) 'At-school' means in a classroom or school building, on or immediately adjacent to
76 school premises, on a school bus or other school related vehicle, at an official school
77 bus stop, or at any school sponsored activity, field trip, sporting event, function, or
78 event, whether or not on school grounds.

79 (B) 'Dating partner' means any person, regardless of gender, involved in an intimate
80 relationship with another, which relationship is primarily characterized by the
81 expectation of affectionate involvement, whether casual, serious, or long-term.

82 (C) 'Dating violence' means a pattern of behavior where one person threatens to use, or
83 actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating
84 partner.

85 (2) Each local board of education shall establish a specific policy to address incidents of
86 dating violence involving students in grades 6 through 12. Such policy shall include, but
87 not be limited to, a statement that dating violence will not be tolerated, dating violence
88 reporting procedures, guidelines to responding to at-school incidents of dating violence,
89 and discipline procedures specific to such incidents. To ensure notice of the local board
90 of education's dating violence policy, the policy shall be published in any policy
91 handbook that sets forth the comprehensive rules, procedures, and student standards of
92 conduct. The State Board of Education shall establish a comprehensive model dating
93 violence policy to assist local boards of education in developing such policies. The
94 model policy shall be issued on or before January 1, 2010. All local boards of education
95 shall adopt a dating violence policy by July 1, 2010. Any local board of education which

96 fails to comply with this subsection shall not be eligible to receive any state funding until
97 a dating violence policy as required by this subsection has been adopted."

98 **SECTION 4.**

99 This Act shall become effective upon its approval by the Governor or upon its becoming law
100 without such approval.

101 **SECTION 5.**

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