

The House Committee on Judiciary Non-civil offers the following substitute to HB 927:

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 public school disciplinary tribunals, so as to expand the
3 definition of "bullying"; to provide for legislative findings; to provide that a student can be
4 reassigned to another school for the purpose of separating such student from his or her
5 bullying victim; to direct the Department of Education to develop a model policy regarding
6 bullying; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

13 **SECTION 2.**

14 Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
15 Annotated, relating to public school disciplinary tribunals, is amended by revising Code
16 Section 20-2-751.4, relating to policies prohibiting bullying, as follows:

17 "20-2-751.4.

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

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

24 (2) Any intentional display of force such as would give the victim reason to fear or
25 expect immediate bodily harm; or

26 (3) Any intentional written, verbal, or physical act, which a reasonable person would
 27 perceive as being intended to threaten, harass, or intimidate, that:

28 (A) Causes another person substantial physical harm within the meaning of Code
 29 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
 30 16-5-23.1;

31 (B) Causes substantial damage to another person's property;

32 (C) Has the effect of substantially interfering with a student's education;

33 (D) Is so severe, persistent, or pervasive that it creates an intimidating or threatening
 34 educational environment; or

35 (E) Has the effect of substantially disrupting the orderly operation of the school.

36 (b) No later than August 1, 2011:

37 (1) Each local board of education shall adopt policies, applicable to students in grades
 38 six through 12, that prohibit a policy that prohibits bullying of a student by another
 39 student and shall require such prohibition to be included in the student code of conduct
 40 for middle and high schools in that school system;

41 (2) Each local Local board policies policy shall require that, upon a finding by the
 42 disciplinary hearing officer, panel, or tribunal of school officials provided for in this
 43 subpart that a student in grades six through 12 has committed the offense of bullying for
 44 the third time in a school year, such student shall be assigned to an alternative school;
 45 provided, however, that under such rules and procedures provided by law, a school
 46 system shall be authorized to assign a student who has committed one or more offenses
 47 of bullying to a school outside the student's attendance area, and a school administrator
 48 shall be authorized to assign a student who has committed one or more offenses of
 49 bullying to another classroom, for the purpose of separating the student from his or her
 50 victim;

51 (3) Each local board of education shall establish and publish in its local board policy a
 52 method to notify the parent, guardian, or other person who has control or charge of a
 53 student upon a finding by a school administrator that such student has committed an
 54 offense of bullying or is a victim of bullying; and

55 (4) Each local board of education shall ensure that students and parents of students are
 56 notified of the prohibition against bullying, and the penalties for violating the prohibition,
 57 by posting such information at each middle and high school and by including such
 58 information in student and parent handbooks.

59 (c) No later than January 1, 2011, the Department of Education shall develop a model
 60 policy regarding bullying, that may be revised from time to time, and shall post such policy
 61 on its website in order to assist local school systems. Such model policy shall include:

62 (1) A statement prohibiting bullying;

- 63 (2) A requirement that any teacher or other school employee who has reliable
64 information that would lead a reasonable person to suspect that someone is a target of
65 bullying shall immediately report it to the school principal;
- 66 (3) A requirement that each school have a procedure for the school administration to
67 promptly investigate in a timely manner and determine whether bullying has occurred;
- 68 (4) An age-appropriate range of consequences for bullying which shall include, at
69 minimum and without limitation, disciplinary action or counseling as appropriate under
70 the circumstances;
- 71 (5) A procedure for a teacher or other school employee, student, parent, guardian, or
72 other person who has control or charge of a student, either anonymously or in such
73 person's name, at such person's option, to report or otherwise provide information on
74 bullying activity;
- 75 (6) A requirement that a parent, guardian, or other person who has control or charge of
76 a student who is a target of bullying or student who bullies another shall be notified;
- 77 (7) A statement prohibiting retaliation following a report of bullying; and
- 78 (8) A procedure for disseminating and publishing such policy.
- 79 (d) The Department of Education shall develop and post on its website a list of entities and
80 their contact information which produce antibullying training programs and materials
81 deemed appropriate by the department for use in local school systems.
- 82 (e) Any person who reports an incident of bullying in good faith shall be immune from
83 civil liability for any damages caused by such reporting.
- 84 (f) Any school system which is not in compliance with the requirements of subsection (b)
85 of this Code section shall be ineligible to receive state funding pursuant to Code Sections
86 20-2-161 and 20-2-260."

87 **SECTION 3.**

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