

Senate Bill 279

By: Senators Miller of the 49th, Carter of the 42nd, Mullis of the 53rd, James of the 35th, Hufstetler of the 52nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to discipline of students in elementary and secondary education, so as to
3 include cyberbullying in the definition of "bullying"; to provide for professional development
4 for bullying prevention strategies and intervention; to provide for linguistically and culturally
5 appropriate notification to parents regarding bullying; to provide for related matters; to
6 provide for an effective date and applicability; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
11 relating to discipline of students in elementary and secondary education, is amended by
12 revising Code Section 20-2-751.4, relating to policies in public schools prohibiting bullying,
13 as follows:

14 "20-2-751.4.

15 (a)(1) As used in this Code section, the term 'bullying' means an act which occurs on
16 school property, on school vehicles, at designated school bus stops, or at school related
17 functions or activities, or by use of data or software that is accessed through a computer,
18 computer system, computer network, or other electronic technology of a local school
19 system, that is:

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

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

24 (3)(C) Any intentional written, verbal, or physical act which a reasonable person would
25 perceive as being or should know is intended to threaten, harass, or intimidate, that:

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

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

30 ~~(C)~~(iii) Is so severe, persistent, or pervasive that it creates an intimidating or
 31 threatening educational environment; or

32 ~~(D)~~(iv) Has the effect of substantially disrupting the orderly operation of the school.

33 (2) As used in this Code section, the term 'bullying' includes acts by use of electronic
 34 communication whether or not the communication occurs on school property, with school
 35 equipment, or during school hours so long as a reasonable person should know or have
 36 known, under the circumstances, that the communication would have the effect of
 37 psychologically harming a student, damaging a student's property, placing a student in
 38 reasonable fear of harm to his or her person or damage to his or her property, or otherwise
 39 invading the rights of any student or students in such a way as to cause substantial
 40 disruption or material interference with school activities or the orderly operation of the
 41 school; or the communication is directed specifically at any student or students with the
 42 intended purpose of disrupting school activities or the orderly operation of school, and
 43 the communication has a high likelihood of accomplishing that purpose.

44 (b) No later than August 1, ~~2011~~ 2014:

45 (1) Each local board of education shall adopt a policy that prohibits bullying of a student
 46 by another student and shall require such prohibition to be included in the student code
 47 of conduct for schools in that school system;

48 (2) Each local board policy shall require that, upon a finding by the disciplinary hearing
 49 officer, panel, or tribunal of school officials provided for in this subpart that a student in
 50 grades six through 12 has committed the offense of bullying for the third time in a school
 51 year, such student shall be assigned to an alternative school;

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

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

60 (5) Each local school board shall require each school to adopt and implement ongoing
 61 professional development in the identification, prevention, and resolution of bullying

- 62 incidents. The content of such professional development shall include, but not be limited
 63 to:
- 64 (A) Developmentally appropriate strategies to prevent bullying incidents;
 - 65 (B) Developmentally appropriate strategies for immediate, effective interventions to
 66 stop bullying incidents;
 - 67 (C) Information regarding the complex interaction and power differential that can take
 68 place between and among a perpetrator, victim, and witnesses to the bullying;
 - 69 (D) Information on the incidence and nature of cyberbullying; and
 - 70 (E) Internet safety issues as they relate to cyberbullying.
- 71 (c) No later than January 1, ~~2011~~ 2014, the Department of Education shall develop a
 72 model policy regarding bullying, that may be revised from time to time, and shall post such
 73 policy on its website in order to assist local school systems. Such model policy shall
 74 include:
- 75 (1) A statement prohibiting bullying;
 - 76 (2) A requirement that any teacher or other school employee who has reliable
 77 information that would lead a reasonable person to suspect that someone is a target of
 78 bullying shall immediately report it to the school principal;
 - 79 (3) A requirement that each school have a procedure for the school administration to
 80 promptly investigate in a timely manner and determine whether bullying has occurred;
 - 81 (4) An age-appropriate range of consequences for bullying which shall include, at
 82 minimum and without limitation, disciplinary action or counseling as appropriate under
 83 the circumstances;
 - 84 (5) Instructions on providing linguistically and culturally appropriate bullying
 85 notification to parents for schools with a high concentration of limited English proficient
 86 ethnic groups;
 - 87 (6) A procedure for a teacher or other school employee, student, parent, guardian, or
 88 other person who has control or charge of a student, either anonymously or in such
 89 person's name, at such person's option, to report or otherwise provide information on
 90 bullying activity;
 - 91 ~~(6)~~(7) A statement prohibiting retaliation following a report of bullying; and
 - 92 ~~(7)~~(8) Provisions consistent with the requirements of subsection (b) of this Code section.
- 93 (d) The Department of Education shall develop and post on its website a list of entities and
 94 their contact information which produce antibullying training programs and materials
 95 deemed appropriate by the department for use in local school systems.
- 96 (e) Any person who reports an incident of bullying in good faith shall be immune from
 97 civil liability for any damages caused by such reporting.

98 (f) Nothing in this Code section or in the model policy promulgated by the Department of
99 Education shall be construed to require a local board of education to provide transportation
100 to a student transferred to another school as a result of a bullying incident.

101 (g) Any school system which is not in compliance with the requirements of subsection (b)
102 of this Code section shall be ineligible to receive state funding pursuant to Code Sections
103 20-2-161 and 20-2-260."

104 **SECTION 2.**

105 This Act shall become effective upon its approval by the Governor or upon its becoming law
106 without such approval. This Act shall apply to conduct occurring on or after that date and
107 conduct prior to that date shall be governed by prior law.

108 **SECTION 3.**

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