

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 revise provisions relating to bullying; to prohibit bullying and harassment of students and  
4 school employees; to require annual reporting of bullying and harassment incidents; to  
5 provide for definitions; to provide for requirements for local boards of education and state  
6 charter schools; to provide for requirements for the Department of Education; to provide for  
7 statutory construction; to provide for legislative findings; to provide for an effective date; to  
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 The General Assembly finds and declares:

- 11 (1) All students and school employees have the right to participate fully in the educational  
12 process, free from bullying and harassment;  
13 (2) A safe and civil environment in school is necessary for students to learn and to achieve  
14 high academic standards and for school employees to provide or support the education of  
15 the students;  
16 (3) Bullying and harassment, like other disruptive or violent behaviors, are forms of  
17 conduct that disrupt both a student's ability to learn and a school's ability to educate its  
18 students in a safe environment; and  
19 (4) Because students learn by example, school administrators, faculty, staff, and volunteers  
20 should be expected to demonstrate appropriate behavior, treat others with civility and  
21 respect, and refuse to tolerate bullying and harassment.  
22

**SECTION 2.**

23 Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
24 relating to discipline of students in elementary and secondary education, is amended in Code  
25

26 Section 20-2-740, relating to an annual report by local boards of education regarding  
 27 disciplinary and placement actions and an annual study by the Department of Education, by  
 28 revising subsections (a) and (b) as follows:

29 "(a) Each local board of education shall file an annual report, by August 1 of each year,  
 30 with the Department of Education regarding disciplinary and placement actions taken  
 31 during the prior school year. Such report shall classify the types of actions into the  
 32 following categories:

- 33 (1) Actions in which a student was assigned to in-school suspension;
- 34 (2) Actions in which a student was suspended for a period of ten days or less;
- 35 (3) Actions in which a student was suspended for a period of more than ten days but not  
 36 beyond the current school quarter or semester;
- 37 (4) Actions in which a student was expelled beyond the current school quarter or  
 38 semester but not permanently expelled;
- 39 (5) Actions in which a student was permanently expelled;
- 40 (6) Actions in which a student was placed in an alternative educational setting;
- 41 (7) Actions in which a student was suspended from riding the bus;
- 42 (8) Actions in which corporal punishment was administered; ~~and~~
- 43 (9) Actions in which a student was removed from class pursuant to subsection (b) of  
 44 Code Section 20-2-738; and
- 45 (10) Actions in which a student was disciplined for bullying or harassment, as defined  
 46 by Code Section 20-2-751.4.

47 (b) For each category of ~~disciplinary or placement action~~ listed in paragraphs (1)  
 48 through ~~(9)~~ (10) of subsection (a) of this Code section, the local board shall provide the  
 49 following information: the number of students subject to the type of disciplinary or  
 50 placement action; the age and grade level of such students; such students' race and gender;  
 51 and the number of students ~~subject to the type of disciplinary action~~ in each category who  
 52 were eligible for free or reduced price lunches under federal guidelines. For each action  
 53 listed in paragraph (9) of subsection (a) of this Code section, the local board shall also  
 54 provide information regarding the decisions of placement review committees and the  
 55 disciplinary and placement decisions made by principals or their designees. The data  
 56 required by this Code section shall be reported separately for each school within the local  
 57 school system and collected and reported in compliance with the requirements of 20 U.S.C.  
 58 Sections 1232g and 1232h."

### 59 SECTION 3.

60 Said part is further amended by revising Code Section 20-2-751.4, relating to policies in  
 61 public schools prohibiting bullying, as follows:

62 "20-2-751.4.

63 (a) As used in this Code section, the term:

64 (1) 'Bullying' means conduct by a student or school employee that:

65 (A) Adversely affects the ability of one or more students to participate in or benefit  
 66 from the school's educational programs or activities or the ability of school employees  
 67 to provide educational programs or activities by placing a student or students or a  
 68 school employee or employees in reasonable fear of physical harm; and

69 (B)(i) Includes conduct based on a student's or school employee's actual or perceived  
 70 race, color, national origin, sex, gender, disability, sexual orientation, gender identity  
 71 or expression, religion, or any other distinguishing characteristic that may be defined  
 72 by a state or local education agency; or

73 (ii) Is based on association with a person or group with any person with one or more  
 74 of the actual or perceived characteristics listed in division (i) of this subparagraph.

75 (2) 'Harassment' means conduct by a student or school employee that:

76 (A) Adversely affects the ability of one or more students to participate in or benefit  
 77 from the school's educational programs or activities or the ability of school employees  
 78 to provide educational programs or activities because the conduct as reasonably  
 79 perceived by the student or students or school employee or employees is so severe,  
 80 persistent, or pervasive; and

81 (B)(i) Includes conduct based on a student's or school employee's actual or perceived  
 82 race, color, national origin, sex, gender, disability, sexual orientation, gender identity  
 83 or expression, religion, or any other distinguishing characteristic that may be defined  
 84 by a state or local educational agency; or

85 (ii) Is based on association with a person or group with any person with one or more  
 86 of the actual or perceived characteristics listed in division (i) of this subparagraph.

87 ~~'bullying' means an act which occurs on school property, on school vehicles, at designated~~  
 88 ~~school bus stops, or at school related functions or activities, or by use of data or software~~  
 89 ~~that is accessed through a computer, computer system, computer network, or other~~  
 90 ~~electronic technology of a local school system, that is:~~

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

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

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

97 ~~(A) Causes another person substantial physical harm within the meaning of Code~~  
 98 ~~Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section~~  
 99 ~~16-5-23.1;~~

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

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

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

104 ~~The term applies to acts which occur on school property, on school vehicles, at designated~~  
 105 ~~school bus stops, or at school related functions or activities or by use of data or software~~  
 106 ~~that is accessed through a computer, computer system, computer network, or other~~  
 107 ~~electronic technology of a local school system. The term also applies to acts of~~  
 108 ~~cyberbullying which occur through the use of electronic communication, whether or not~~  
 109 ~~such electronic act originated on school property or with school equipment, if the electronic~~  
 110 ~~communication (1) is directed specifically at students or school personnel, (2) is~~  
 111 ~~maliciously intended for the purpose of threatening the safety of those specified or~~  
 112 ~~substantially disrupting the orderly operation of the school, and (3) creates a reasonable~~  
 113 ~~fear of harm to the students' or school personnel's person or property or has a high~~  
 114 ~~likelihood of succeeding in that purpose. For purposes of this Code section, electronic~~  
 115 ~~communication includes but is not limited to any transfer of signs, signals, writings,~~  
 116 ~~images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire,~~  
 117 ~~radio, electromagnetic, photo-electronic or photo-optical system.~~

118 (b) This Code section applies to conduct by students and school employees occurring on  
 119 any elementary or secondary school premises, at any school sponsored functions or  
 120 activities, and on school sponsored transportation. This Code section also applies to usage  
 121 by students and school employees of electronic technology and electronic communications  
 122 occurring on any elementary or secondary school premises, at any school sponsored  
 123 functions or activities, on school sponsored transportation, and on school computers,  
 124 networks, forums, and mailing lists.

125 ~~(b)(c)~~ No later than August 1, 2017:

126 (1) Each local board of education and state charter school shall adopt a policy that  
 127 prohibits bullying of a student by another student and harassment, which shall incorporate  
 128 the model policy established by the Department of Education pursuant to subsection (d)  
 129 of this Code section and shall require such prohibition to be included in the student code  
 130 of conduct for schools in that school system; that also, at a minimum:

131 (A) Prohibits bullying and harassment by and of students and school employees as  
 132 specified in this Code section;

133 (B) Designates one person in the local school system or state charter school as the  
134 primary contact regarding the bullying and harassment policy. The primary contact  
135 shall receive copies of all formal and informal complaints, have responsibility for  
136 assuring the implementation of the policy and procedures, and serve as the primary  
137 contact on the policy and procedures between the local school system or state charter  
138 school and the Department of Education;

139 (C) Requires that school employees and trained volunteers who witness incidents of  
140 bullying or harassment, or possess reliable information that would lead a reasonable  
141 person to suspect that a person is a target of bullying or harassment, promptly report  
142 such information to the school principal and the primary contact of the local school  
143 system or state charter school;

144 (D) Provides a procedure for prompt investigation of reports of complaints of bullying  
145 or harassment, identifying either the principal or the principal's designee as the person  
146 responsible for the investigation;

147 (E) Delineates the range of ways in which a school will respond once an incident of  
148 bullying or harassment is identified, including a range of age-appropriate consequences  
149 for students or appropriate consequences for school employees that may or will attach  
150 to the prohibited bullying and harassment;

151 (F) Prohibits reprisal or retaliation against any person who reports an act of bullying  
152 or harassment and describes appropriate remedial action for a person who engages in  
153 reprisal or retaliation;

154 (G) Allows for anonymous reporting while clarifying that no remedial action may be  
155 undertaken solely on the basis of an anonymous report;

156 (H) Includes a statement of how the policy is to be publicized, including that the policy  
157 of the local school system or state charter school shall appear in new employee training  
158 materials, any publication of the local school system or state charter school that sets  
159 forth the comprehensive rules, procedures, and standards of conduct for schools within  
160 the local school system or for state charter schools, and in any student handbook and  
161 employee handbook; and

162 (I) Describes a process by which data on incidents of bullying and harassment shall be  
163 collected, reported, and analyzed at least on an annual basis; and

164 (2) Each school and each state charter school shall adopt and implement annual  
165 professional development in the identification, prevention, and resolution of bullying and  
166 harassment incidents.

167 ~~(2) Each local board policy shall require that, upon a finding by the disciplinary hearing~~  
168 ~~officer, panel, or tribunal of school officials provided for in this subpart that a student in~~

- 169 ~~grades six through 12 has committed the offense of bullying for the third time in a school~~  
 170 ~~year, such student shall be assigned to an alternative school;~~
- 171 ~~(3) Each local board of education shall establish and publish in its local board policy a~~  
 172 ~~method to notify the parent, guardian, or other person who has control or charge of a~~  
 173 ~~student upon a finding by a school administrator that such student has committed an~~  
 174 ~~offense of bullying or is a victim of bullying; and~~
- 175 ~~(4) Each local board of education shall ensure that students and parents of students are~~  
 176 ~~notified of the prohibition against bullying, and the penalties for violating the prohibition,~~  
 177 ~~by posting such information at each school and by including such information in student~~  
 178 ~~and parent handbooks.~~
- 179 (e)(d) No later than ~~January 1, 2011~~ June 30, 2017, the Department of Education shall:
- 180 (1) Develop ~~develop~~ a model policy regarding bullying and harassment, that may be  
 181 revised from time to time, and shall post such policy on its website in order to assist local  
 182 school systems and state charter schools. Such model policy shall ~~include~~ provide that  
 183 it:
- 184 (A) Is applicable to students in grades kindergarten through 12 and to all school  
 185 employees; and
- 186 (B) Contains definitions of bullying and harassment consistent with this Code section;
- 187 (2) Adopt rules and regulations necessary to implement the provisions of this Code  
 188 section;
- 189 (3) Develop appropriate procedures for:
- 190 (A) Investigating violations of this Code section;
- 191 (B) Reporting of and responding to failures to implement this Code section by school  
 192 systems, schools, and administrators;
- 193 (C) Reporting of incidents of bullying and harassment by school systems and state  
 194 charter schools;
- 195 (D) Publication of state-wide statistics concerning bullying and harassment;
- 196 (E) Filing complaints regarding school system and state charter school failure to  
 197 develop and implement policies that provide the protections set forth in this Code  
 198 section; and
- 199 ~~(1) A statement prohibiting bullying;~~
- 200 ~~(2) A requirement that any teacher or other school employee who has reliable~~  
 201 ~~information that would lead a reasonable person to suspect that someone is a target of~~  
 202 ~~bullying shall immediately report it to the school principal;~~
- 203 ~~(3) A requirement that each school have a procedure for the school administration to~~  
 204 ~~promptly investigate in a timely manner and determine whether bullying has occurred;~~

- 205 ~~(4) An age-appropriate range of consequences for bullying which shall include, at~~  
 206 ~~minimum and without limitation, disciplinary action or counseling as appropriate under~~  
 207 ~~the circumstances;~~
- 208 ~~(5) A procedure for a teacher or other school employee, student, parent, guardian, or~~  
 209 ~~other person who has control or charge of a student, either anonymously or in such~~  
 210 ~~person's name, at such person's option, to report or otherwise provide information on~~  
 211 ~~bullying activity;~~
- 212 ~~(6) A statement prohibiting retaliation following a report of bullying; and~~
- 213 ~~(7) Provisions consistent with the requirements of subsection (b) of this Code section.~~
- 214 ~~(d)(4) Post~~ The Department of Education shall develop and post on its website a list of  
 215 entities and their contact information which produce antibullying and harassment training  
 216 programs and materials deemed appropriate by the department for use in local school  
 217 systems and state charter schools.
- 218 ~~(e)(1) Any person who reports an incident of bullying or harassment in good faith shall~~  
 219 ~~be immune from civil liability for any damages caused by such reporting.~~
- 220 (2) A school employee shall be immune from a cause of action for damages arising from  
 221 any failure to remedy a reported incident, if he or she:
- 222 (A) Promptly reports an incident of bullying or harassment to the principal and the  
 223 primary contact designated by the school system or state charter school pursuant to  
 224 subparagraph (c)(1)(B) of this Code section; and
- 225 (B) Makes such report in compliance with the procedures established by the school  
 226 system or state charter school.
- 227 (f) Nothing in this Code section or in the model policy promulgated by the Department of  
 228 Education shall be construed to require a local board of education or state charter school  
 229 to provide transportation to a student transferred to another school as a result of a bullying  
 230 or harassment incident.
- 231 (g) Any school system or state charter school which is not in compliance with the  
 232 requirements of subsection ~~(b)~~ (c) of this Code section shall be ineligible to receive state  
 233 funding pursuant to Code Sections 20-2-161 and 20-2-260.
- 234 (h)(1) This Code section is not intended to establish any private right of action.
- 235 (2) This Code section is not intended to limit the rights of any individual currently  
 236 available under any other civil or criminal law.
- 237 (3) Nothing in this Code section is intended to interfere with the First Amendment rights  
 238 of free speech and expression of any person affected.
- 239 (i) A school employee, student, or volunteer shall not engage in reprisal, retaliation, or  
 240 false accusation against a victim, witness, or one with reliable information about an act of  
 241 bullying or harassment.

242 (j) The provisions of this Code section shall be liberally construed to give effect to the  
 243 purposes thereof.

244 (k) A local board of education or state charter school may require community service for  
 245 a student in grades six through 12 who commits the offense of bullying or harassment."

246 **SECTION 4.**

247 Said part is further amended by revising subsection (e) of Code Section 20-2-751.5, relating  
 248 to student codes of conduct, as follows:

249 "(e) Any student handbook which is prepared by a local board or school shall include a  
 250 copy of the student code of conduct for that school or be accompanied by a copy of the  
 251 student code of conduct for that school as annually distributed pursuant to Code Section  
 252 20-2-736. Any such student handbook shall also include a statement that all students have  
 253 a right to be free from bullying or harassment, as defined by Code Section 20-2-751.4, by  
 254 other students or school employees. When distributing a student code of conduct, a local  
 255 school shall include a form for acknowledgment of the student's ~~parent~~ parent's or  
 256 guardian's receipt of the code, and the local school shall solicit or require that the form be  
 257 signed and returned to the school."

258 **SECTION 5.**

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

261 **SECTION 6.**

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