

Senate Bill 626

By: Senators James of the 35th, Rhett of the 33rd, Seay of the 34th, Harrell of the 40th,
Davenport of the 44th and others

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 provide for the
3 creation of antibullying coordinator positions and antibullying specialists positions within
4 local school systems; to provide for definitions; to provide that the Department of
5 Education's model policy to prevent bullying shall include notice to students that bullying
6 is a misdemeanor and shall be punishable to the maximum allowable extent in certain
7 circumstances; to provide that local school systems may apply to state departments and
8 agencies for related grants; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

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20-2-751.4.

(a) As used in this Code section, the term ~~'bullying'~~ means an act that is:

(1) 'Antibullying coordinator' means an individual designated by a local school superintendent whose responsibilities include overseeing a system-wide antibullying campaign with the goal of strengthening prevention and identification of harassment, intimidation, and bullying of students.

(2) 'Antibullying specialist' means an employee of a school whose responsibilities include leading the school's antibullying campaign.

(3) 'Bullying' means an act that is:

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

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

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

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

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

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

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

The term applies to acts which occur on school property, on school vehicles, at designated school bus stops, or at school related functions or activities or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system. The term also applies to acts of cyberbullying which occur through the use of electronic communication, whether or not

such electronic act originated on school property or with school equipment, if the electronic communication (1) is directed specifically at students or school personnel, (2) is maliciously intended for the purpose of threatening the safety of those specified or substantially disrupting the orderly operation of the school, and (3) creates a reasonable fear of harm to the students' or school personnel's person or property or has a high likelihood of succeeding in that purpose. For purposes of this Code section, electronic communication includes but is not limited to any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, or photo optical system.

(b) No later than August 1, 2011:

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

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

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

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

(c) No later than January 1, ~~2011~~ 2023, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such

policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

(5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;

(6) A statement prohibiting retaliation following a report of bullying; ~~and~~

(7) Provisions consistent with the requirements of subsection (b) of this Code section;

(8) Notification that bullying is a misdemeanor; and

(9) A statement that bullying that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical, or sensory disability, or by any other distinguishing characteristic of the victim shall be punishable to the maximum allowable extent under the school's code of conduct, this Code section, and the laws of the State of Georgia.

(d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.

(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

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

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

(h) Every local school system shall have a designated antibullying coordinator and at least one designated antibullying specialist for each school in the district.

(i) Local school systems may apply to state departments and agencies for grants to support the provision of antibullying programs and services.

(j) A person who commits the offense of bullying shall be guilty of a misdemeanor."

SECTION 2.

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