

1 HB366  
2 190811-3  
3 By Representatives Knight, Warren, Drummond, Forte, Clarke,  
4 England, Lawrence, Chestnut, Hollis, McClammy, Beech,  
5 McCampbell, Jackson, Grimsley, Boyd, Buskey, Howard, Bracy,  
6 Black, Coleman, Givan, Rogers, Moore (M), Hall, Weaver, Wood,  
7 Sessions, Standridge, Farley, Ball, Whorton (R), Rich, Wilcox,  
8 Williams (JW), Wadsworth, Harbison, Blackshear, Moore (B),  
9 Nordgren, Shedd, Faust, Collins, Gaston, Martin, South,  
10 Boothe, Brown, Greer, Ledbetter, Shiver, Polizos, Baker,  
11 Beckman, McMillan, Jones, Ainsworth, Garrett, Lovvorn,  
12 Crawford, Williams (JD), Scott, Tuggle, Johnson (R), Daniels,  
13 Morrow, Wingo, Holmes (M) and Drake  
14 RFD: Education Policy  
15 First Read: 01-FEB-18

ENGROSSED

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 16-28B-1, 16-28B-2, 16-28B-3, 16-28B-4, and 16-28B-5, Code of Alabama 1975, relating to the prevention of student bullying; to include student against student bullying, intimidation, violence, and threats of violence off of school property; to redefine harassment as bullying; to specifically include cyberbullying in the definition of bullying; and to change the name of the act to the Jamari Terrell Williams Act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-28B-1, 16-28B-2, 16-28B-3, 16-28B-4, and 16-28B-5 of the Code of Alabama 1975, are amended to read as follows:

"§16-28B-1.

"This chapter shall be known and may be cited as the ~~Student Harassment Prevention Act~~ Jamari Terrell Williams Student Bullying Prevention Act.

"§16-28B-2.

"It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the ~~harassment~~ bullying of students. It is the further intent

1 of the Legislature that this chapter apply only to student  
2 against student ~~harassment~~ bullying, intimidation, violence,  
3 and threats of violence in the public schools of Alabama, and  
4 between students while not on school property, in grades  
5 prekindergarten through 12, and that the State Department of  
6 Education develop, and each local board of education adopt  
7 procedural policies to manage and possibly prevent these acts  
8 against any student by another student or students based on  
9 the characteristics of a student.

10 "Additionally, it is the intent of the Legislature  
11 that the filing of a complaint of ~~harassment~~ bullying be in  
12 writing and submitted by the affected student, or the parent  
13 or guardian of the affected student, and not by an education  
14 employee on behalf of an affected student or his or her parent  
15 or guardian.

16 "§16-28B-3.

17 "The following terms have the following meanings:

18 "~~(1) DEPARTMENT. The State Department of Education.~~

19 "~~(2) HARASSMENT. A continuous pattern of intentional~~

20 (1) BULLYING. A continuous pattern of intentional  
21 behavior that takes place on or off of school property, on a  
22 school bus, or at a school-sponsored function including, but  
23 not limited to, cyberbullying or written, electronic, verbal,  
24 or physical acts that are reasonably perceived as being  
25 motivated by any characteristic of a student, or by the  
26 association of a student with an individual who has a  
27 particular characteristic, if the characteristic falls into

1 one of the categories of personal characteristics contained in  
2 the model policy adopted by the department or by a local  
3 board, and implemented at each school. To constitute  
4 ~~harassment~~ bullying, a pattern of behavior may do any of the  
5 following:

6 "a. Place a student in reasonable fear of harm to  
7 his or her person or damage to his or her property.

8 "b. Have the effect of substantially interfering  
9 with the educational performance, opportunities, or benefits  
10 of a student.

11 "c. Have the effect of substantially disrupting or  
12 interfering with the orderly operation of the school, whether  
13 the conduct occurs on or off school property, online, or  
14 electronically.

15 "d. Have the effect of creating a hostile  
16 environment in the school, on ~~or off of~~ school property, on a  
17 school bus, or at a school-sponsored function.

18 "e. Have the effect of being sufficiently severe,  
19 persistent, or pervasive enough to create an intimidating,  
20 threatening, or abusive educational environment for a student.

21 "(2) DEPARTMENT. The State Department of Education.

22 "(3) HOSTILE ENVIRONMENT. The perception by an  
23 affected student or victim that the conduct of another student  
24 constitutes a threat of violence or ~~harassment~~ bullying and  
25 that the conduct is objectively severe or pervasive enough  
26 that a reasonable person, under the circumstances, would agree

1 that the conduct constitutes ~~harassment~~ bullying, threat of  
2 assault, or assault.

3 "(4) LOCAL BOARD. A city or county board of  
4 education.

5 "(5) SCHOOL. Each public school, grades  
6 prekindergarten through 12, the Alabama Institute for Deaf and  
7 Blind, the Alabama High School of Mathematics and Science, and  
8 the Alabama School of Fine Arts.

9 "(6) SCHOOL SYSTEM. The schools under the  
10 jurisdiction of a local board.

11 "(7) THREAT. A statement of an intention to inflict  
12 pain, injury, damage, or other hostile action to cause fear of  
13 harm. The intention may be communicated through an electronic,  
14 written, verbal, or physical act to cause fear, mental  
15 distress, or interference in the school environment. The  
16 intention may be expressly stated or implied and the person  
17 communicating the threat has the ability to carry out the  
18 threat.

19 "§16-28B-4.

20 "(a) No student shall engage in or be subjected to  
21 ~~harassment~~ bullying, intimidation, violence, or threats of  
22 violence on or off of school property, on a school bus, or at  
23 any school-sponsored function by any other student in his or  
24 her school system.

25 "(b) No person shall engage in reprisal,  
26 retaliation, or false accusation against a victim, witness, or

1 other person who has reliable information about an act of  
2 ~~harassment~~ bullying, violence, or threat of violence.

3 "(c) Any student, or parent or guardian of the  
4 student, who is the object of ~~harassment~~ bullying may file a  
5 complaint outlining the details of the ~~harassment~~ bullying, on  
6 a form authorized by the local board, and submit the form to  
7 the official designated by the local board to receive  
8 complaints at the school.

9 A copy of the form shall be prominently posted and  
10 accessible on the website of each local board of education and  
11 school, shall be available at each school office, and shall be  
12 included in the student handbook that is distributed to each  
13 student at the beginning of each school year.

14 "(d) Each school shall develop plans or programs,  
15 including, but not limited to, peer mediation teams, in an  
16 effort to encourage students to report and address incidents  
17 of ~~harassment~~ bullying, violence, or threats of violence.

18 At the beginning of each school year, each school  
19 shall programmatically address the issue of bullying and  
20 school violence with faculty and students. The program shall  
21 include a discussion of available resources and shall  
22 encourage the reporting of incidents of bullying. Each school  
23 shall also periodically convene a committee of faculty and  
24 students to review and discuss the issue of bullying and make  
25 recommendations to school administrators regarding school  
26 climate, safety, and bullying. The local superintendent of

1 education may report any recommendations to the local board  
2 for its consideration.

3 "§16-28B-5.

4 "The department shall develop a model policy  
5 prohibiting ~~harassment~~ bullying, violence, and threats of  
6 violence on or off of school property, on a school bus, or at  
7 any school-sponsored function. The model policy, at a minimum,  
8 shall contain all of the following components:

9 "(1) A statement prohibiting ~~harassment~~ bullying,  
10 violence, and threats of violence.

11 "(2) Definitions of the terms ~~harassment~~ bullying,  
12 as provided in subdivision (2) of Section 16-28B-3,  
13 intimidation, and threats of violence.

14 "(3) A description of the behavior expected of each  
15 student.

16 "(4) A series of graduated consequences for any  
17 student who commits an act of intimidation, ~~harassment~~  
18 bullying, violence, or threats of violence. Punishment shall  
19 conform with applicable federal and state disability,  
20 antidiscrimination, and education laws and school discipline  
21 policies.

22 "(5) A procedure for reporting an act of  
23 intimidation, threat of suicide, ~~harassment~~ bullying,  
24 violence, or threat of violence. An anonymous report may not  
25 be the basis for imposing formal disciplinary action against a  
26 student.

1           "(6) A procedure for the prompt investigation of  
2 reports of serious violations and complaints, specifying that  
3 the principal, or his or her designee, is the person  
4 responsible for the investigation.

5           "(7) A response procedure for a school to follow  
6 upon confirmation of an incident of intimidation, ~~harassment~~  
7 bullying, violence, or threats of violence.

8           "(8) A statement prohibiting reprisal or retaliation  
9 against any person who reports an act of intimidation,  
10 violence, threat of violence, or ~~harassment~~ bullying,  
11 including the consequences of and any appropriate remedial  
12 action that may be taken against a person who engages in such  
13 reprisal or retaliation.

14           "(9) A statement of the consequences of and  
15 appropriate remedial action that may be taken against a person  
16 who has deliberately and recklessly falsely accused another.

17           "(10) A procedure for publicizing local board policy  
18 through publication in the student handbook,, including  
19 providing notice that the policy applies to behavior occurring  
20 off of school property and to participation in  
21 school-sponsored functions, whether the conduct occurs on or  
22 off school property, online, or electronically.

23           "(11) A clearly defined procedure for students to  
24 use in reporting ~~harassment~~ bullying, including, but not  
25 limited to, written reports on local board approved complaint  
26 forms and written reports of instances of ~~harassment~~ bullying,  
27 intimidation, violence, and threats of violence based on the



1 personal characteristics of a student. The complaint form may  
2 be served in person or by mail on the principal, or his or her  
3 designee, or his or her office. The procedures shall be made  
4 known and be readily available to each student, employee, and  
5 the parent or guardian of each student. It is the sole  
6 responsibility of the affected student, or the parent or  
7 guardian of the affected student, to report incidences of  
8 ~~harassment~~ bullying to the principal, or his or her designee.

9 "(12) A procedure for promulgating rules to  
10 implement this chapter, including the development of a model  
11 student complaint form. The department shall seek public input  
12 in developing and revising the model policy, model complaint  
13 form, and any other necessary forms.

14 "(13) A procedure for the development of a  
15 nonexhaustive list of the specific personal characteristics of  
16 a student which may often lead to ~~harassment~~ bullying. Based  
17 upon experience, a local board of education may add, but not  
18 remove, characteristics from the list. The additional  
19 characteristics or perceived characteristics that cause  
20 ~~harassment~~ bullying shall be identified by the local board on  
21 a case-by-case basis and added to the local board policy. The  
22 list shall be included in the code of conduct policy of each  
23 local board and included in the student handbook."

24 Section 2. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Education Policy  
..... 01-FEB-18

Read for the second time and placed  
on the calendar 1 amendment ..... 22-FEB-18

Read for the third time and passed  
as amended..... 08-MAR-18

Yeas 99, Nays 0, Abstains 0

Jeff Woodard  
Clerk