HB90

95810-1

By Representative Graham

RFD: Education Appropriations

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SYNOPSIS: Under existing law, there is no specific provision for adoption of policies to prevent teen suicide and violence.

This bill would establish the Teen Suicide and Violence Prevention Act.

This bill would set minimum standards for the adoption of policies by public school systems pertaining to student suicide prevention, violence, and harassment by other students.

This bill would require the school system to which a complaint of harassment is made to inform the person making the complaint of his or her civil or criminal law remedies.

This bill would provide that the right of freedom of speech would not be abridged.

This bill would require the State Department of Education to develop a model policy pertaining to suicide prevention.

This bill would provide certain immunity to school officials and school systems.

This bill would require the State Board of Education to adopt rules to implement this act.

This bill would make an appropriation from the Education Trust Fund to the State Department of Education in the amount of $10,000 for fiscal year 2008-2009 to implement this act.

A BILL

TO BE ENTITLED

AN ACT

To establish the Teen Suicide and Violence Prevention Act; to set minimum standards for the adoption of policies by public school systems pertaining to student suicide prevention, violence, and harassment by other students; to require the school system to which a complaint of harassment is made to inform the person making the complaint of his or her civil or criminal law remedies; to provide that the right of freedom of speech would not be abridged; to require the State Department of Education to develop a model policy pertaining to suicide prevention; to provide certain immunity to school officials and school systems; to require the State Board of Education to adopt rules to implement this act; and to make an appropriation from the Education Trust Fund to the State Department of Education in the amount of $10,000 for fiscal year 2008-2009 to implement this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Teen Suicide and Violence Prevention Act.

Section 2. The Legislature of Alabama finds and declares the following:

(1) The constant or intermittent harassment, violence, or threats of violence by an individual or individuals against a school student is a serious threat against the mental health of the affected student and may constitute a threat of suicide by the student at the time of the harassment, violence, or threat of violence or become a threat at a later date.

(2) The rate of teenage suicide could be reduced by having a learning environment free of harassment, continued intimidation, violence, and threats of violence. Such actions against any group or class of citizens is unacceptable, and responsible authorities at all levels of government should act to prevent harassment, intimidation, violence, and threats of violence.

(3) The continued harassment of students by other students could lead to catastrophic violence; therefore, it is the intent of the Legislature that every level of government should take all reasonable steps necessary to prevent harassment and threats of harassment of students.

(4) A safe and civil environment in school is necessary in order for students to learn and achieve high academic standards.

(5) Harassment, and threats of violence like other disruptive or violent behaviors, is conduct that disrupts both the ability of the student to learn and the ability of the school to educate its students in a safe environment.

(6) It is essential to implement policies which seek to protect the health and welfare of students and improve the learning environment.

(7) Adolescent suicide occurs without regard to ethnicity, socio-economic status, age, or gender and has a tremendous and traumatic impact on surviving family members.

(8) Suicide is a significant cause of death in the United States, and the health and well-being of our youth is critically important to the public welfare of Alabama.

(9) Attempted suicide is usually a symptom indicating that a person is experiencing stressful or traumatic events that push normal coping strategies to the limit; therefore, it is the intent of the Legislature that appropriate and timely help be made available to Alabama's youth, contingent on state or local funding to local boards of education, in order to improve access and availability of preventive services and to prevent youth suicide and avoid youth suicidal behaviors.

Section 3. As used in this act, the following terms have the following meanings:

(1) HARASSMENT. A pattern of gestures, written, electronic, or verbal, or a physical act that is reasonably perceived as being motivated by any characteristic, such as

race, ethnicity, ancestry, national origin, athletic aptitude, academic aptitude, gender, sexual orientation, weight, mental or physical disability, age, socio-economic status, or on the basis of an association with an individual who falls into one of the herein listed categories, that takes place on school property, on a school bus, or at a school-sponsored event that does any of the following:

a. Places a student in reasonable fear of harm to his or her person or damage to his or her property.

b. Has the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.

c. Has the effect of substantially disrupting or interfering with the orderly operation of the schools.

d. Has the effect of creating a hostile environment in the schools, on school property, on a school bus, or at a school-sponsored event.

(2) HOSTILE ENVIRONMENT. The perception of an affected student or victim that the conduct of another student is a threat of violence or harassment and the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is harassment or constitutes a threat of assault; or an assault itself.

(3) SCHOOLS. All public schools, grades kindergarten through 12.

Section 4. (a) No student shall be subjected to harassment, intimidation, violence, or threats of violence on

school property, at any school-sponsored function, or on a school bus.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, violence, or threat of violence.

(c) A school employee, student, or volunteer who has witnessed or has reliable information about a student being subjected to harassment, violence, or threats of violence shall report the incident to the appropriate school official.

Section 5. (a) Before January 1, 2009, each local school system shall adopt a policy prohibiting harassment, violence, or threats of violence on school property, on a school bus, or at a school-sponsored event. The policy adopted shall comply with Section 16-1-30, Code of Alabama 1975. The policy shall contain, at a minimum, the following components:

(1) A statement prohibiting harassment, violence, and threats of violence.

(2) A definition of harassment, intimidation, and threats of violence no less inclusive than that set forth in this act.

(3) A description of the type of behavior expected from each student and school employee.

(4) Consequences and appropriate remedial action for a person who commits an act of intimidation, harassment, violence, or threat of violence.

(5) A procedure for reporting an act of intimidation, threat of suicide, harassment, violence, or threat of violence. No anonymous report shall be construed to permit formal disciplinary action against an employee.

(6) A procedure for prompt investigation of reports of serious violations and complaints, identifying either the principal or his or her designee as the person responsible for the investigation.

(7) The procedures by which a school shall respond once an incident of intimidation, harassment, violence, or threats of violence are confirmed.

(8) A statement that prohibits reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or harassment, and the consequence to and appropriate remedial action for a person who engages in reprisal or retaliation.

(9) The consequences and appropriate remedial action for a person found to have falsely accused another.

(10) A statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions.

(11) Clearly defined procedures for students and employees to report and document instances of harassment, intimidation, violence, and threats of violence based on the listed categories in this act made known and available to students and employees.

(b)(1) Notice of the policy of the local school system shall appear in any school system publication and in any student and school employee handbook setting forth comprehensive rules, procedures, and standards of conduct for schools within the school system. Information regarding a local school policy against intimidation, harassment, violence, and threats of violence shall be incorporated into a school's employee training program.

(2) All schools and school systems are encouraged to establish programs designed to help eliminate intimidation, harassment, violence, and threats of violence and to establish other initiatives involving school employees, students, administrators, volunteers, parents, law enforcement, community members, and professional organizations.

Section 6. To the extent funds are appropriated for these purposes, a local school system shall do the following:

(1) Provide training on the school system's intimidation, harassment, violence, and threats of violence policies for school employees and volunteers who have significant contact with students.

(2) Develop a process for discussing the policies of the school system with students as provided in this act.

Section 7. Each school covered under this act shall develop and implement methods and strategies to do the following:

(1) Promote school environments that are free of harassment, intimidation, violence, and threats of violence which are unlawful under this act.

(2) Prevent harassment, intimidation, violence, and threats of violence based on the criteria of this act and to intervene when such incidents occur.

(3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions under this act of harassment, intimidation, violence, and threats of violence.

(4) Provide for annual confidential surveys of students and school employees that measure their perception and experiences of harassment, intimidation, violence, and threats of violence.

(5) Provide for the reporting of statistics by school systems and schools of actual violence, submitted reports of threats of violence, and harassment to the State Department of Education for publication on its website for public inspection and also for statistical information for other state and federal agencies. Identity of the students involved shall not be subject to publication on the website of the department.

Section 8. (a) This section may not be interpreted to prevent a victim from seeking redress under any other available law, either civil or criminal.

(b) A person who files a complaint with a school, pursuant to this act, shall be advised by the school that

civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders, may also be available to him or her. School officials shall make this information available by publication in appropriate informational materials.

(c) This act may not be construed to require an exhaustion of the administrative complaint process before civil law remedies may be pursued.

(d) A school employee or volunteer who promptly reports an incident of intimidation, harassment, violence, or threat of violence to the appropriate school official designated by the policy of the local school system, and who makes this report in compliance with the procedures in the policy of the system, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

(e) A school system which follows its policies and adheres to the provisions of this act shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

Section 9. Each student shall continue to have those freedoms of speech and freedoms of expression which are guaranteed under the Constitution of the United States and the Constitution of Alabama of 1901, as well as other applicable statutory laws as provided by the Code of Alabama 1975.

Section 10. (a) The State Department of Education shall promulgate rules to implement this act.

(b) A model policy pertaining to suicide prevention shall be developed by the State Department of Education. The State Department of Education should work with the Alabama Department of Public Health, the Alabama Department of Mental Health and Metal Retardation, and the State Suicide Prevention Task Force in developing model guidelines relating to suicide prevention. The model policy shall be developed collaboratively with representatives from the Department of Public Health and the Department of Mental Health and Metal Retardation for distribution to each public school system.

Section 11. To the extent that the Legislature shall appropriate funds, or to the extent that any local board of education, at its discretion, may provide funds from other sources, the following standards and policies for programs shall apply to public school systems to help prevent student suicides:

(1) Foster individual, family, and group counseling services related to youth suicide prevention.

(2) Make available referral, crisis intervention, and information for students, parents, and school personnel.

(3) Foster training for school personnel responsible for counseling and supervising students.

(4) Increase student awareness of the relationship between drug and alcohol use and youth suicide.

(5) Teach students to recognize signs of suicidal tendencies and other facts about youth suicide.

(6) Inform students of the available community youth suicide prevention services.

(7) Promote cooperative efforts of school personnel and community youth suicide prevention program personnel.

(8) Foster school-based or community-based, or both, alternative programs outside of the classroom.

(9) Develop a strategy to help attempted suicide survivors, school students, and personnel to cope with the loss of the victim and with his or her suicide.

(10) Engage in any other program or activity which, in the judgment and discretion of the local board of education, is deemed appropriate and prudent to help prevent youth suicide.

Section 12. An appropriation of ten thousand dollars ($10,000) is made from the Education Trust Fund to the State Department of Education for fiscal year 2008-2009 for the implementation of this act.

Section 13. This act shall become effective on May 1, 2009, after its passage and approval by the Governor, or its otherwise becoming law.