

1 SB25
2 125730-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/09/2011

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8 SYNOPSIS: Existing law provides for the adoption of
9 policies by public school systems pertaining to the
10 prevention of harassment of one student against
11 another student and requires the Department of
12 Education to develop a model policy for local
13 boards of education pertaining to student
14 harassment prevention.

15 This bill would rename the Student
16 Harassment Prevention Act the Alex Moore
17 Anti-Bullying Act.

18 This bill would provide that a student can
19 be reassigned to another school for the purpose of
20 separating the student from his or her harassment
21 victim.

22 This bill would direct the Department of
23 Education to post its model policy on its website.

24 This bill would provide that a person shall
25 be immune from civil liability for reporting
26 harassment.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
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5 To amend Sections 16-28B-1, 16-28B-4, 16-28B-5, and
6 16-28B-9 of the Code of Alabama 1975, relating to student
7 harassment prevention; to rename the Student Harassment
8 Prevention Act the Alex Moore Anti-Bullying Act; to provide
9 that a student can be reassigned to another school for the
10 purpose of separating the student from his or her harassment
11 victim; to direct the Department of Education to post its
12 model policy on its website; and to provide that a person
13 shall be immune from civil liability for reporting harassment.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 16-28B-1, 16-28B-4, 16-28B-5,
16 and 16-28B-9 of the Code of Alabama 1975, are amended to read
17 as follows:

18 "§16-28B-1.

19 This chapter shall be known and may be cited as the
20 ~~Student Harassment Prevention~~ Alex Moore Anti-Bullying Act.

21 "§16-28B-4.

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

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

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

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

9 "(d) Each school shall develop plans or programs,
10 including, but not limited to, peer mediation teams, in an
11 effort to encourage students to report and address incidents
12 of harassment, violence, or threats of violence.

13 "(e) Any person who reports an incident of
14 harassment in good faith shall be immune from civil liability
15 for any damages caused by the reporting.

16 "(f) Nothing in this chapter or in the model policy
17 promulgated by the department shall be construed to require a
18 local board to provide transportation to a student transferred
19 to another school as a result of a harassment incident.

20 "(g) A local board not in compliance with the
21 requirements of Section 16-28B-5 shall be ineligible to
22 receive state funding.

23 "§16-28B-5.

24 "(a) The department shall develop a model policy
25 prohibiting harassment, violence, and threats of violence on
26 school property, on a school bus, or at any school-sponsored

1 function. The model policy, at a minimum, shall contain all of
2 the following components:

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

5 "(2) Definitions of the terms harassment, as
6 provided in subdivision (2) of Section 16-28B-3, intimidation,
7 and threats of violence.

8 "(3) A description of the behavior expected of each
9 student.

10 "(4) A series of graduated consequences for any
11 student who commits an act of intimidation, harassment,
12 violence, or threats of violence. Punishment shall conform
13 with applicable federal and state disability,
14 antidiscrimination, and education laws and school discipline
15 policies.

16 ~~"(5) A procedure for reporting an act of~~
17 ~~intimidation, threat of suicide, harassment, violence, or~~
18 ~~threat of violence. An anonymous report may not be the basis~~
19 ~~for imposing formal disciplinary action against a student. A~~
20 ~~teacher or other school employee, student, parent, guardian,~~
21 ~~or other person who has control or charge of a student, either~~
22 ~~anonymously or in the name of the person, at the option of the~~
23 ~~person, to report or otherwise provide information on the~~
24 ~~harassment activity~~

25 "(6) A procedure for the prompt investigation of
26 reports of serious violations and complaints, specifying that

1 the principal, or his or her designee, is the person
2 responsible for the investigation.

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

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

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

15 "(10) A procedure for publicizing local board
16 policy, including providing notice that the policy applies to
17 participation in school-sponsored functions.

18 "(11) A clearly defined procedure for students to
19 use in reporting harassment, including, but not limited to,
20 written reports on local board approved complaint forms and
21 written reports of instances of harassment, intimidation,
22 violence, and threats of violence based on the personal
23 characteristics of a student. The complaint form may be served
24 in person or by mail on the principal, or his or her designee,
25 or his or her office. The procedures shall be made known and
26 be readily available to each student, employee, and the parent
27 or guardian of each student. It is the sole responsibility of

1 the affected student, or the parent or guardian of the
2 affected student, to report incidences of harassment to the
3 principal, or his or her designee.

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

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

19 "(14) A requirement that any teacher or other school
20 employee who has reliable information that would lead a
21 reasonable person to suspect that someone is a target of
22 harassment shall immediately report it to the school
23 principal.

24 "(15) An age-appropriate range of consequences for
25 harassment which shall include, at a minimum and without
26 limitation, disciplinary action or counseling as appropriate
27 under the circumstances.

1 "(b) The department shall develop and post on its
2 website a list of entities and their contact information which
3 produce anti-harassment training programs and materials deemed
4 appropriate by the department for use in local school systems.

5 "§16-28B-9.

6 "(a) Each local board shall establish a policy in
7 compliance with this chapter on or before July 1, 2010. Each
8 local policy or model policy adopted by a local board or the
9 department, respectively, shall be consistent with this
10 chapter.

11 "(b) (1) Each local board policy shall require that,
12 upon a finding by the disciplinary hearing officer, panel, or
13 tribunal of school officials, a student in grades six through
14 12 who has committed the offense of harassment for the third
15 time in a school year shall be assigned to an alternative
16 school.

17 "(2) Each local board shall establish and publish in
18 its local board policy a method to notify the parent,
19 guardian, or other person who has control or charge of a
20 student upon a finding by a school administrator that the
21 student has committed an offense of harassment or is a victim
22 of harassment.

23 "(c) Each local board of education shall ensure that
24 students and parents of students are notified of the
25 prohibition against harassment and the penalties for violating
26 the prohibition by posting the information at each school

1 under its jurisdiction and by including the information in
2 student and parent handbooks."

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