

1 HB41
2 133689-1
3 By Representative Galliher
4 RFD: Education Policy
5 First Read: 07-FEB-12
6 PFD: 12/01/2011

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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 allow for the Student
16 Harassment Prevention Act to also be known as the
17 Alex Moore 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
4

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 allow the Student Harassment
8 Prevention Act to also be known as the Alex Moore
9 Anti-Bullying Act; to provide that a student can be reassigned
10 to another school for the purpose of separating the student
11 from his or her harassment victim; to direct the Department of
12 Education to post its model policy on its website; and to
13 provide that a person shall be immune from civil liability for
14 reporting harassment.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§16-28B-1.

20 "(a) This chapter shall be known and may be cited as
21 the Student Harassment Prevention Act or the Alex Moore
22 Anti-Bullying Act.

23 "(b) The Legislature does not intend to imply by
24 this section that any local board of education or any employee
25 of a local board of education assumes any legal responsibility
26 for the death of the individual for whom this act is named.

27 "§16-28B-4.

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

5 "(b) No person shall engage in reprisal,
6 retaliation, or false accusation against a victim, witness, or
7 other person who has reliable information about an act of
8 harassment, violence, or threat of violence.

9 "(c) Any student, or parent or guardian of the
10 student, who is the object of harassment may file a complaint
11 outlining the details of the harassment, on a form authorized
12 by the local board, and submit the form to the official
13 designated by the local board to receive complaints at the
14 school.

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

19 "(e) Absent negligence, wantonness, recklessness, or
20 deliberate misconduct, any person who reports an incident of
21 harassment shall be immune from civil liability for any
22 damages caused by the reporting.

23 "(f) Nothing in this chapter or in the model policy
24 promulgated by the department shall be construed to require a
25 local board to provide transportation to a student transferred
26 to another school within the school district as a result of a
27 harassment incident.

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

4 "§16-28B-5.

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

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

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

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

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

23 "(5) A procedure for reporting an act of
24 intimidation, threat of suicide, harassment, violence, or
25 threat of violence. ~~An anonymous report may not be the basis~~
26 ~~for imposing formal disciplinary action against a student. by~~
27 a teacher or other school employee, student, parent, guardian,

1 or other person who has control or charge of a student, either
2 anonymously or in the name of the person, at the option of the
3 person, to report or otherwise provide information on the
4 harassment activity

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

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

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

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

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

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

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

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

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

25 "(14) A requirement that any teacher or other school
26 employee who has reliable information that would lead a
27 reasonable person to suspect that someone is a target of

1 harassment shall immediately report it to the school
2 principal.

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

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

11 "§16-28B-9.

12 "(a) Each local board shall establish a policy in
13 compliance with this chapter on or before July 1, 2010 2012.
14 Each local policy or model policy adopted by a local board or
15 the department, respectively, shall be consistent with this
16 chapter.

17 "(b) (1) Each local board policy shall require that,
18 upon a finding by the disciplinary hearing officer, panel, or
19 tribunal of school officials, a student in grades six through
20 12 who has committed the offense of harassment for the third
21 time in a school year shall be assigned to an alternative
22 school.

23 "(2) Each local board shall establish and publish in
24 its local board policy a method to notify the parent,
25 guardian, or other person who has control or charge of a
26 student upon a finding by a school administrator that the

1 student has committed an offense of harassment or is a victim
2 of harassment.

3 "(c) Each local board of education shall ensure that
4 students and parents of students are notified of the
5 prohibition against harassment and the penalties for violating
6 the prohibition by posting the information at each school
7 under its jurisdiction and by including the information in
8 student and parent handbooks."

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