

1 HB366  
2 190811-2  
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

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the Student Harassment  
9 Prevention Act provides for the adoption of  
10 policies in public school systems to prevent  
11 student against student harassment, intimidation,  
12 violence, and threats of violence on public school  
13 property, on school buses, and at school-sponsored  
14 events.

15 This bill would expand the act to include  
16 student against student harassment, intimidation,  
17 violence, and threats of violence off of school  
18 property.

19 This bill would specifically include  
20 cyberbullying in the definition of harassment.

21 This bill would also change the name of the  
22 act to the Jamari Terrell Williams Act.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

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

8           BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Sections 16-28B-1, 16-28B-2, 16-28B-3,  
10          16-28B-4, and 16-28B-5 of the Code of Alabama 1975, are  
11          amended to read as follows:

12                 "§16-28B-1.

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

15                 "§16-28B-2.

16                 "It is the intent of the Legislature to provide for  
17          the adoption of policies in public school systems to prevent  
18          the harassment of students. It is the further intent of the  
19          Legislature that this chapter apply only to student against  
20          student harassment, intimidation, violence, and threats of  
21          violence in the public schools of Alabama, and between  
22          students while not on school property, in grades  
23          prekindergarten through 12, and that the State Department of  
24          Education develop, and each local board of education adopt  
25          procedural policies to manage and possibly prevent these acts  
26          against any student by another student or students based on  
27          the characteristics of a student.

1           "Additionally, it is the intent of the Legislature  
2 that the filing of a complaint of harassment be in writing and  
3 submitted by the affected student, or the parent or guardian  
4 of the affected student, and not by an education employee on  
5 behalf of an affected student or his or her parent or  
6 guardian.

7           "§16-28B-3.

8           "The following terms have the following meanings:

9           "(1) DEPARTMENT. The State Department of Education.

10           "(2) HARASSMENT. A continuous pattern of intentional  
11 behavior that takes place on or off of school property, on a  
12 school bus, or at a school-sponsored function including, but  
13 not limited to, cyberbullying or written, electronic, verbal,  
14 or physical acts that are reasonably perceived as being  
15 motivated by any characteristic of a student, or by the  
16 association of a student with an individual who has a  
17 particular characteristic, if the characteristic falls into  
18 one of the categories of personal characteristics contained in  
19 the model policy adopted by the department or by a local  
20 board. To constitute harassment, a pattern of behavior may do  
21 any of the following:

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

24           "b. Have the effect of substantially interfering  
25 with the educational performance, opportunities, or benefits  
26 of a student.

1 "c. Have the effect of substantially disrupting or  
2 interfering with the orderly operation of the school.

3 "d. Have the effect of creating a hostile  
4 environment in the school, on or off of school property, on a  
5 school bus, or at a school-sponsored function.

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

9 "(3) HOSTILE ENVIRONMENT. The perception by an  
10 affected student or victim that the conduct of another student  
11 constitutes a threat of violence or harassment and that the  
12 conduct is objectively severe or pervasive enough that a  
13 reasonable person, under the circumstances, would agree that  
14 the conduct constitutes harassment, threat of assault, or  
15 assault.

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

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

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

24 "§16-28B-4.

25 "(a) No student shall engage in or be subjected to  
26 harassment, intimidation, violence, or threats of violence on  
27 or off of school property, on a school bus, or at any

1 school-sponsored function by any other student in his or her  
2 school system.

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

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

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

17 "§16-28B-5.

18 "The department shall develop a model policy  
19 prohibiting harassment, violence, and threats of violence on  
20 or off of school property, on a school bus, or at any  
21 school-sponsored function. The model policy, at a minimum,  
22 shall contain all of the following components:

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

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

1           "(3) A description of the behavior expected of each  
2 student.

3           "(4) A series of graduated consequences for any  
4 student who commits an act of intimidation, harassment,  
5 violence, or threats of violence. Punishment shall conform  
6 with applicable federal and state disability,  
7 antidiscrimination, and education laws and school discipline  
8 policies.

9           "(5) A procedure for reporting an act of  
10 intimidation, threat of suicide, harassment, violence, or  
11 threat of violence. An anonymous report may not be the basis  
12 for imposing formal disciplinary action against a student.

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

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

20           "(8) A statement prohibiting reprisal or retaliation  
21 against any person who reports an act of intimidation,  
22 violence, threat of violence, or harassment, including the  
23 consequences of and any appropriate remedial action that may  
24 be taken against a person who engages in such reprisal or  
25 retaliation.

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

4           "(10) A procedure for publicizing local board  
5 policy, including providing notice that the policy applies to  
6 behavior occurring off of school property and to participation  
7 in school-sponsored functions.

8           "(11) A clearly defined procedure for students to  
9 use in reporting harassment, including, but not limited to,  
10 written reports on local board approved complaint forms and  
11 written reports of instances of harassment, intimidation,  
12 violence, and threats of violence based on the personal  
13 characteristics of a student. The complaint form may be served  
14 in person or by mail on the principal, or his or her designee,  
15 or his or her office. The procedures shall be made known and  
16 be readily available to each student, employee, and the parent  
17 or guardian of each student. It is the sole responsibility of  
18 the affected student, or the parent or guardian of the  
19 affected student, to report incidences of harassment to the  
20 principal, or his or her designee.

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

26           "(13) A procedure for the development of a  
27 nonexhaustive list of the specific personal characteristics of



1 a student which may often lead to harassment. Based upon  
2 experience, a local board of education may add, but not  
3 remove, characteristics from the list. The additional  
4 characteristics or perceived characteristics that cause  
5 harassment shall be identified by the local board on a  
6 case-by-case basis and added to the local board policy. The  
7 list shall be included in the code of conduct policy of each  
8 local board."

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.