

1 HB216  
2 107674-4  
3 By Representative Graham  
4 RFD: Education Appropriations  
5 First Read: 03-FEB-09  
6 PFD: 01/30/2009



1       prekindergarten through 12, and that the State Department of  
2       Education develop, and each local board of education adopt,  
3       procedural policies to manage, and possibly prevent, these  
4       acts against any student by another student or students based  
5       on the characteristics of a student.

6               Section 3. The following terms have the following  
7       meanings:

8               (1) DEPARTMENT. The State Department of Education.

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

20              a. Place a student in reasonable fear of harm to his  
21       or her person or damage to his or her property.

22              b. Have the effect of substantially interfering with  
23       the educational performance, opportunities, or benefits of a  
24       student.

25              c. Have the effect of substantially disrupting or  
26       interfering with the orderly operation of the school.

1           d. Have the effect of creating a hostile environment  
2 in the school, on school property, on a school bus, or at a  
3 school-sponsored function.

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

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

14           (4) LOCAL BOARD. A city or county board of  
15 education.

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

20           (6) SCHOOL SYSTEM. The schools under the  
21 jurisdiction of a local board.

22           Section 4. (a) No student shall engage in or be  
23 subjected to harassment, intimidation, violence, or threats of  
24 violence on school property, on a school bus, or at any  
25 school-sponsored function by any other student in his or her  
26 school system.

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

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

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

14           Section 5. The department shall develop a model  
15 policy prohibiting harassment, violence, and threats of  
16 violence on school property, on a school bus, or at any  
17 school-sponsored function. The model policy, at a minimum,  
18 shall contain all of the following components:

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

21           (2) Definitions of the terms harassment, as provided  
22 in subdivision (2) of Section 3, intimidation, and threats of  
23 violence.

24           (3) A description of the behavior expected of each  
25 student.

26           (4) A series of graduated consequences for any  
27 student who commits an act of intimidation, harassment,

1 violence, or threats of violence. Punishment shall conform  
2 with applicable federal and state disability,  
3 antidiscrimination, and education laws and school discipline  
4 policies.

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

9 (6) A procedure for the prompt investigation of  
10 reports of serious violations and complaints, specifying that  
11 the principal, or his or her designee, is the person  
12 responsible for the investigation.

13 (7) A response procedure for a school to follow upon  
14 confirmation of an incident of intimidation, harassment,  
15 violence, or threats of violence.

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

22 (9) A statement of the consequences of and  
23 appropriate remedial action that may be taken against a person  
24 who has deliberately and recklessly falsely accused another.

25 (10) A procedure for publicizing local board policy,  
26 including providing notice that the policy applies to  
27 participation in school-sponsored functions.

1           (11) A clearly defined procedure for students to use  
2 in reporting harassment, including, but not limited to,  
3 written reports on local board approved complaint forms and  
4 written or oral reports of instances of harassment,  
5 intimidation, violence, and threats of violence based on the  
6 personal characteristics of a student. The procedures shall be  
7 made known and be readily available to each student, employee,  
8 and the parent or guardian of each student.

9           (12) A procedure for promulgating rules to implement  
10 this act, including the development of a model student  
11 complaint form. The department shall seek public input in  
12 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. Based upon  
17 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 shall be identified by the local board on a  
21 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.

24           Section 6. Each school shall do all of the  
25 following:

1           (1) Develop and implement evidence-based practices  
2 to promote a school environment that is free of harassment,  
3 intimidation, violence, and threats of violence.

4           (2) Develop and implement evidence-based practices  
5 to prevent harassment, intimidation, violence, and threats of  
6 violence based, as a minimum, on the criteria established by  
7 this act and local board policy, and to intervene when such  
8 incidents occur.

9           (3) Incorporate into civility, citizenship, and  
10 character education curricula awareness of and sensitivity to  
11 the prohibitions of this act and local board policy against  
12 harassment, intimidation, violence, and threats of violence.

13           (4) Report statistics to the local board of actual  
14 violence, submitted reports of threats of violence, and  
15 harassment. The local board shall provide the statistics of  
16 the school system and each school in the school system to the  
17 department for posting on the department website. The posted  
18 statistics shall be available to the public and any state or  
19 federal agency requiring the information. The identity of each  
20 student involved shall be protected and may not be posted on  
21 the department website.

22           Section 7. This act shall not affect the freedom of  
23 speech and freedom of expression guaranteed each student under  
24 the Constitution of the United States and the Constitution of  
25 Alabama of 1901, and other applicable statutory law provided  
26 in the Code of Alabama 1975.

1           Section 8. To the extent that the Legislature shall  
2 appropriate funds, or to the extent that any local board may  
3 provide funds from other sources, each school system shall  
4 implement the following standards and policies for programs in  
5 an effort to prevent student suicide:

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

8           (2) Make referral, crisis intervention, and other  
9 related information available for students, parents, and  
10 school personnel.

11           (3) Foster training for school personnel who are  
12 responsible for counseling and supervising students.

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

15           (5) Educate students in recognizing signs of  
16 suicidal tendencies and other facts and warning signs of  
17 suicide.

18           (6) Inform students of available community suicide  
19 prevention services.

20           (7) Promote cooperative efforts between school  
21 personnel and community suicide prevention program personnel.

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

24           (9) Develop a strategy to assist survivors of  
25 attempted suicide, students, and school personnel in coping  
26 with the issues relating to attempted suicide, suicide, the  
27 death of a student, and healing.

1           (10) Engage in any other program or activity which  
2 the local board determines is appropriate and prudent in the  
3 efforts of the school system to prevent student suicide.

4           (11) Provide training for school employees and  
5 volunteers who have significant contact with students on the  
6 local board policies to prevent harassment, intimidation,  
7 violence, and threats of violence.

8           (12) Develop a process for discussing with students  
9 local board policies relating to the prevention of student  
10 suicide and to the prevention of harassment, intimidation,  
11 violence, and threats of violence.

12           Section 9. Each local board shall establish a policy  
13 in compliance with this act on or before July 1, 2010.

14           Section 10. This act is cumulative and shall be  
15 construed in pari materia with other laws, but to the effect  
16 that this act specifically conflicts with other laws in direct  
17 conflict with this act, then those laws or parts of laws are  
18 repealed.

19           Section 11. There is appropriated to the State  
20 Department of Education the sum of ten thousand dollars  
21 (\$10,000) from the Education Trust Fund for the fiscal year  
22 ending September 30, 2010, for the implementation and  
23 administration of this act

24           Section 12. This act shall become effective on  
25 October 1, 2009, following its passage and approval by the  
26 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 Appro-  
priations ..... 03-FEB-09

Read for the second time and placed  
on the calendar with 1 substitute  
and ..... 26-FEB-09

Read for the third time and passed  
as amended ..... 05-MAR-09

Yeas 91, Nays 0, Abstains 1

Greg Pappas  
Clerk