

1 HB366  
2 190811-5  
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



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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§16-28B-1.

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

"§16-28B-2.

"It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the ~~harassment~~ bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student ~~harassment~~ bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and

1 between students while not on school property, in grades  
2 prekindergarten through 12, and that the State Department of  
3 Education develop, and each local board of education adopt  
4 procedural policies to manage and possibly prevent these acts  
5 against any student by another student or students based on  
6 the characteristics of a student.

7 "Additionally, it is the intent of the Legislature  
8 that the filing of a complaint of ~~harassment~~ bullying be in  
9 writing and submitted by the affected student, or the parent  
10 or guardian of the affected student, and not by an education  
11 employee on behalf of an affected student or his or her parent  
12 or guardian.

13 "§16-28B-3.

14 "The following terms have the following meanings:

15 "~~(1) DEPARTMENT. The State Department of Education.~~

16 "~~(2) HARASSMENT. A continuous pattern of intentional~~

17 (1) BULLYING. A continuous pattern of intentional  
18 behavior that takes place on or off of school property, on a  
19 school bus, or at a school-sponsored function including, but  
20 not limited to, cyberbullying or written, electronic, verbal,  
21 or physical acts that are reasonably perceived as being  
22 motivated by any characteristic of a student, or by the  
23 association of a student with an individual who has a  
24 particular characteristic, if the characteristic falls into  
25 one of the categories of personal characteristics contained in

1 the model policy adopted by the department or by a local  
2 board, and implemented at each school. To constitute  
3 ~~harassment~~ bullying, a pattern of behavior may do any of the  
4 following:

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

7 "b. Have the effect of substantially interfering  
8 with the educational performance, opportunities, or benefits  
9 of a student.

10 "c. Have the effect of substantially disrupting or  
11 interfering with the orderly operation of the school, whether  
12 the conduct occurs on or off school property, online, or  
13 electronically.

14 "d. Have the effect of creating a hostile  
15 environment in the school, on ~~or off of~~ school property, on a  
16 school bus, or at a school-sponsored function.

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

20 "(2) DEPARTMENT. The State Department of Education.

21 "(3) HOSTILE ENVIRONMENT. The perception by an  
22 affected student or victim that the conduct of another student  
23 constitutes a threat of violence or ~~harassment~~ bullying and  
24 that the conduct is objectively severe or pervasive enough  
25 that a reasonable person, under the circumstances, would agree

1 that the conduct constitutes ~~harassment~~ bullying, threat of  
2 assault, or assault.

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

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

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

11 "(7) THREAT. A statement of an intention to inflict  
12 pain, injury, damage, or other hostile action to cause fear of  
13 harm. The intention may be communicated through an electronic,  
14 written, verbal, or physical act to cause fear, mental  
15 distress, or interference in the school environment. The  
16 intention may be expressly stated or implied and the person  
17 communicating the threat has the ability to carry out the  
18 threat.

19 "§16-28B-4.

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

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

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

11           A copy of the form shall be prominently posted and  
12 accessible on the website of each local board of education and  
13 school, shall be available at each school office, and shall be  
14 included in the student handbook that is distributed to each  
15 student at the beginning of each school year.

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

20           At the beginning of each school year, each school  
21 shall programmatically address the issue of bullying and  
22 school violence with faculty and students. The program shall  
23 include a discussion of available resources and shall  
24 encourage the reporting of incidents of bullying. Each school  
25 shall also periodically convene a committee of faculty and

1 students to review and discuss the issue of bullying and make  
2 recommendations to school administrators regarding school  
3 climate, safety, and bullying. The local superintendent of  
4 education may report any recommendations to the local board  
5 for its consideration.

6 "§16-28B-5.

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

12 "(1) A statement prohibiting ~~harassment~~ bullying,  
13 violence, and threats of violence.

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

17 "(3) A description of the behavior expected of each  
18 student.

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

1           "(5) A procedure for reporting an act of  
2 intimidation, threat of suicide, ~~harassment~~ bullying,  
3 violence, or threat of violence. An anonymous report may not  
4 be the basis for imposing formal disciplinary action against a  
5 student.

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

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

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

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

22           "(10) A procedure for publicizing local board policy  
23 through publication in the student handbook, including  
24 providing notice that the policy applies to behavior occurring  
25 off of school property and to participation in



1 school-sponsored functions, whether the conduct occurs on or  
2 off school property, online, or electronically.

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

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

21 "(13) A procedure for the development of a  
22 nonexhaustive list of the specific personal characteristics of  
23 a student which may often lead to ~~harassment~~ bullying. Based  
24 upon experience, a local board of education may add, but not  
25 remove, characteristics from the list. The additional

1 characteristics or perceived characteristics that cause  
2 ~~harassment~~ bullying shall be identified by the local board on  
3 a case-by-case basis and added to the local board policy. The  
4 list shall be included in the code of conduct policy of each  
5 local board and included in the student handbook."

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

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*Mac McClatchey*

Speaker of the House of Representatives

*Del Marshall*

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 08-MAR-18, as amended.

Jeff Woodard  
Clerk

Senate

22-MAR-18

Passed

**APPROVED**

3-28-2018

**TIME**

5:00 pm

*Kay Ivey*  
**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2018-472  
Bill Num...: H-366

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 Lawton  
 Crawford  
 Williams (JD)  
 Scott  
 Tuggle  
 Johnson (R)  
 Daniels  
 Morrow  
 Wingo  
 Helmer (A)  
 Drake

Ed

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 366

YEAS 97 NAYS 0

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. \_\_\_\_\_ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_

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SENATE ACTION

DATE: 3/13 2019

RD 1 RFD ED

This Bill was referred to the Standing Committee of the Senate on Education & Youth Affairs and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of yeas 4 nays 0 abstain 0 this 20 day of March 2019

[Signature] Chairperson

DATE: 3-20 2019

RF FAI RD 2 CAL

DATE: \_\_\_\_\_ 2019

RE-REFERRED \_\_\_\_\_ RE-COMMITTED

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 366.

YEAS 27 NAYS 0

PATRICK HARRIS, Secretary