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EDUCATION Policies Prohibiting Bullying: Amend Policies prohibiting Bullying Behavior; Make Changes Relating to Local School Board Policies Regarding Bullying in Student Codes of Conduct; Change the Definition of Bullying Behavior; Provide that Policies Relating to Bullying Behavior Apply to Students in Kindergarten Through Grade 12; Require Training on Bullying Behavior for Certain School System Personnel; Provide that Local School Systems Provide Information to the Department of Education on the Number and Disposition of Bullying Incidents

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Reported; Repeal Conflicting Laws, and for Other Purposes

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EDUCATION

Policies Prohibiting Bullying: Amend Policies Prohibiting Bullying Behavior; Make Changes Relating to Local School Board Policies Regarding Bullying in Student Codes of Conduct; Change the Definition of Bullying Behavior; Provide that Policies Relating to Bullying Behavior Apply to Students in Kindergarten Through Grade 12; Require Training on Bullying Behavior for Certain School System Personnel; Provide that Local School Systems Provide Information to the Department of Education on the Number and Disposition of Bullying Incidents Reported; Repeal Conflicting Laws, and for Other Purposes

BILL NUMBER:

HB 1125

SUMMARY:

HB 1125 would have amended policies prohibiting bullying behavior by expanding the definition of bullying and requiring that local boards of education adopt policies that prohibit bullying for students in kindergarten and grades 1 through 12. It would have also required that school personnel investigate and determine the disposition of each bullying incident. HB 1125 would have mandated that each school implement procedures for handling anonymous reporting of bullying incidents and institute procedures for parents to report incidents of alleged bullying. It sought to authorize school boards to adopt disciplinary procedures and to develop consequences for students who submit false reports of bullying behavior. HB 1125 would have required that each local school board have administrators, teachers, and support staff complete a training program that relates to anti-

bullying behavior and that each local board of education submit an annual report to the Department of Education stating its specific number of bullying incidents.

History

In 1999, following the tragic events at Columbine High School in Littleton, Colorado and the violent death of a Georgia student at the hands of bullies, Georgia introduced its first anti-bullying legislation.¹ Then on August 14, 2003, a bullying victim accidentally shot 14-year-old Bianca Walton of Columbus, Georgia, as she walked her younger sister home from school.² The middle school student who shot Bianca carried a gun to protect himself from bullies.³ The incident had enormous consequences because were it not for the shooting “two children [would] be in school today. One is in the cemetery and the other is in the Department of Juvenile Justice.”⁴ Following the shooting, the community held several town hall meetings where parents discussed what schools could do to prevent similar incidents from occurring again.⁵ Unaware of the existing anti-bullying legislation created in 1999, parents in Columbus asked their representatives to examine current legislation more closely because, in their opinion, school officials were not doing enough to combat bullying.⁶

Since Bianca Walton’s death, bullying has continued in Georgia schools.⁷ In March 2004, “a bully stood outside a fence at Gwinnett County’s Shiloh Middle School and threatened to pistol-whip a

1. D. Aileen Dodd, *Bully Bill Troubles Schools*, ATLANTA J. CONST., Feb. 15, 2004, at A1, available at 2004 WL 68884393; see also 1999 Ga. Laws 362, § 3, at 364 (codified at O.C.G.A. § 20-2-751.4 (2001)).

2. Richard Hyatt, *Bullying Bill Gets House OK: Measure Survives Challenge from GOP Leaders, Moves to Senate*, LEDGER-ENQUIRER.COM, Feb. 13, 2004, at <http://www.ledger-enquirer.com/mld/ledgerenquirer/7942148.htm>.

3. *Id.*

4. See Audio Recording of House Proceedings, Feb. 12, 2004 (remarks by Rep. Carolyn Hugley), at http://www.georgia.gov/00/channel_title/0,2094,4802_6107103,00.html [hereinafter House Audio].

5. See Telephone Interview with Rep. Carolyn Hugley, House District No. 113 (Mar. 30, 2004) [hereinafter Hugley Interview].

6. See *id.*

7. See Dodd, *supra* note 1.

student.”⁸ In November 2004, school officials suspended a Lilburn Middle School student for threatening another student on the bus with a box-cutter knife.⁹

Bill Tracking of HB 1125

Consideration by the House

Representatives Carolyn Hugley, Victor Hill, Darryl Jordan, Debbie Buckner, and Scott Dix, of the 113th; 81st; 83rd; 109th, and 70th, districts, respectively, along with others, sponsored HB 1125.¹⁰ The House first read HB 1125 on January 14, 2004.¹¹ The House read the bill a second time on January 15, 2004, and the Speaker assigned it to the Education Committee.¹² The House Committee favorably reported the bill, by substitute, on February 6, 2004.¹³

HB 1125, as introduced, would have mandated that local board policies “[r]equire that each reported incident of bullying is investigated and a disposition determined” and “[i]nclude procedures for handling [the] anonymous reporting of bullying incidents, including the protection of the identity of the alleged victims”¹⁴ Representative Hugley included these two changes to reflect the concerns of her constituents in Columbus who believed the school board’s failure to investigate bullying incidents discouraged students from reporting the incidents.¹⁵ HB 1125 would have also required that local school board policies “[i]nclude procedures for the reporting of an alleged bullying incident by a parent of a student.”¹⁶ HB 1125’s sponsors wanted to increase the number of parents reporting bullying behavior.¹⁷ Many parents know bullies are

8. *Id.*

9. *Id.*

10. HB 1125, as introduced, 2004 Ga. Gen. Assem.

11. State of Georgia Final Composite Status Sheet, HB 1125, Jan. 14, 2004 (May 19, 2004).

12. State of Georgia Final Composite Status Sheet, HB 1125, Jan. 15, 2004 (May 19, 2004).

13. State of Georgia Final Composite Status Sheet, HB 1125, Feb. 6, 2004 (May 19, 2004).

14. HB 1125, as introduced, 2004 Ga. Gen. Assem.

15. See Hugley Interview, *supra* note 5.

16. See HB 1125, as introduced, 2004 Ga. Gen. Assem.

17. See Telephone Interview with Olga Jarrett, Professor, Georgia State University School of Education (Apr. 8, 2004) [hereinafter Jarrett Interview].

harassing their children, but they do not report it because they believe the school board will not take their complaints seriously.¹⁸

HB 1125 would have also required local school boards to adopt “disciplinary procedures and consequences to the student for the student’s or parent’s submission of a false report of a bullying incident.”¹⁹ Imposing consequences for false bullying reports would have helped ensure that students and parents take both bullying and its effects seriously.²⁰ Finally, HB 1125, as introduced, would have required that “[e]ach local board of education [] include the number of bullying incidents reported in its school system and the disposition of such incidents in the annual report required to be submitted to the Department of Education pursuant to Code Section 20-2-740.”²¹

House Committee Substitute

The House Committee’s central proposed modification to the bill concerned expanding the definition of the term bullying.²² Code subsection 20-2-751.4(a) defined bullying as “[a] willful attempt or threat to inflict injury” or “[an] intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.”²³ The proposed definition added a psychological and emotional component to the definition of bullying while both the Code and HB 1125, as introduced, focused primarily on the physical violence that can result from bullying.²⁴ The House Committee substitute redefined bullying as behavior which includes:

[A] pattern of written or verbal expression or any physical act or gesture that is intended to ridicule, humiliate, intimidate, or cause measurable physical or emotional distress upon one or more students in the school, on school grounds, in school

18. *See id.*

19. *See* HB 1125, as introduced, 2004 Ga. Gen. Assem.

20. *See* Hugley Interview, *supra* note 5.

21. *See* HB 1125, as introduced, 2004 Ga. Gen. Assem.

22. *Compare* HB 1125, as introduced, 2004 Ga. Gen. Assem., with HB 1125 (HCS), 2004 Ga. Gen. Assem.

23. 1999 Ga. Laws 362, § 3, at 364 (codified at O.C.G.A. § 20-2-751.4 (2004)).

24. *See* Jarrett Interview, *supra* note 17. *Compare* HB 1125, as introduced, 2004 Ga. Gen. Assem., with HB 1125 (HCS), 2004 Ga. Gen. Assem.

vehicles, at designated school bus stops, or at school activities or sanctioned events.²⁵

These changes to the definition of bullying resulted from a House Education subcommittee meeting with Dr. Michael Carpenter of the Association of School Counselors.²⁶ He suggested that the definition of bullying should include the language “pattern of behavior” to conform to the working definition used by his association.²⁷ Olga Jarrett, an Associate Professor at the Georgia State University College of Education, also testified before the House Education Subcommittee concerning the definition of bullying.²⁸ Jarrett, who has conducted extensive research in the field of bully prevention, stated that the revised definition of bullying also conforms to the generally recognized definition used by many researchers.²⁹ Including the word “pattern” in the definition ensures that a single incident of bullying, unless especially severe, would not fall within the legal definition.³⁰

The House Committee substitute also expanded the number of students covered by the anti-bullying legislation.³¹ HB 1125, as introduced, only applied to students in grades 6 through 12, while the House Committee substitute expanded the anti-bullying legislation to cover students in kindergarten through grade 12.³² Expanding anti-bullying legislation to incorporate elementary school students reflected the sentiments expressed at a House Education Subcommittee meeting with Dr. Carpenter and Buzz Wiseman.³³ At this meeting the Committee determined that bullying often starts at the elementary school level, and that it was critical to have the anti-bullying legislation include students in kindergarten through grade 5

25. HB 1125 (HCS), 2004 Ga. Gen. Assem.

26. See Hugley Interview, *supra* note 5.

27. *Id.*

28. See Jarrett Interview, *supra* note 17.

29. *Id.*

30. House Audio, *supra* note 4.

31. Compare HB 1125, as introduced, 2004 Ga. Gen. Assem., with HB 1125 (HCS), 2004 Ga. Gen. Assem.

32. Compare HB 1125, as introduced, 2004 Ga. Gen. Assem., with HB 1125 (HCS), 2004 Ga. Gen. Assem.

33. See Hugley Interview, *supra* note 5. Buzz Wiseman is in charge of school safety under the Georgia Emergency Management Act (“GEMA”). *Id.*

in order to raise awareness of bullying with parents, students, and school personnel.³⁴

The House Committee substitute also included an additional provision that would have required “[e]ach local board of education [to] ensure that the local superintendent and all principals, assistant principals, school counselors, resource officers, and other appropriate staff complete a research based training program relating to bullying behavior.”³⁵ The Committee’s inclusion of this section is consistent with the idea that “bullying requires local school board enforcement” and that teachers and administrators cannot effectively monitor bullying behavior in their classrooms and schools until they receive training on bullying prevention techniques.³⁶

Passage by the House

By a vote of 118 to 52, the House adopted the House Committee substitute and passed HB 1125 on February 12, 2004.³⁷ The House immediately transmitted HB 1125 to the Senate for consideration.³⁸ On February 13, 2004, the Senate read HB 1125 for the first time; however, it failed to reach the Senate floor for a vote.³⁹

On the day of the House vote, the floor debate lasted approximately 15 minutes, but Republican members expressed some concerns about HB 1125.⁴⁰ Representative Hugley spoke first, summarizing the House Committee substitute’s contents and telling the tragic story of Bianca Walton.⁴¹

Representative Jerry Keen of the 146th district was the next speaker.⁴² Although he agreed that bullying in schools was a serious problem, he outlined concerns from various school systems in the State.⁴³ He believed that compliance with HB 1125 would result in both local and state costs, and that the definition of bullying was too

34. *Id.*

35. HB 1125 (HCS), 2004 Ga. Gen. Assem.

36. *See* Jarrett Interview, *supra* note 17.

37. Georgia House of Representatives Voting Record, HB 1125 (Feb. 12, 2004).

38. *Id.*

39. *See* State of Georgia Final Composite Status Sheet, HB 1125, Feb. 13, 2004 (May 19, 2004).

40. *See* House Audio, *supra* note 4 (remarks by Reps. Jerry Keen and John Douglas).

41. *Id.*

42. *See* House Audio, *supra* note 4 (remarks by Rep. Jerry Keen).

43. *Id.*

broad and over-inclusive.⁴⁴ Moreover, he noted that expanding the bill to cover children in kindergarten through fifth grade would result in school officials classifying “kids that are five and six years old, seven years old who at times say things that they don’t mean, they don’t understand” as bullies.⁴⁵ Representative Keen “like[d] the concept of the bill,” but he thought the House was “moving a little quickly with a too broad-based definition” and asked that the House “not vote for [the] bill at this time.”⁴⁶

Representative John Douglas of the 73rd district was also against the bill.⁴⁷ Like Representative Keen, he believed that “bullying is an awful, terrible thing,” but he felt that this bill was not the solution.⁴⁸ He expressed his belief that the General Assembly should not impose any additional requirements on school boards; rather, he felt local school boards should enforce current laws that prohibit fighting in schools, carrying weapons on school property, and harassment.⁴⁹

Representative Bob Holmes of the 48th district spoke next in support of HB 1125.⁵⁰ He addressed the cost concerns by stating that Georgia Emergency Management Act (“GEMA”) will fund the bill, and he reiterated that the definition of bullying “was a bipartisan measure that came out of the Committee unanimously and [that] the definition was actually provided by a Republican member of the Committee.”⁵¹

Representative Hugley was the final speaker, and she explained why the Committee included the word “pattern” in the definition of bullying.⁵² She stressed that bullying today can have dire consequences, including death.⁵³ She concluded by saying that “[n]o one has come up with any viable alternatives” to HB 1125.⁵⁴

44. *Id.*

45. *Id.*

46. *See id.*

47. *See* House Audio, *supra* note 4 (remarks by Rep. John Douglas).

48. *See id.*

49. *Id.*

50. *See* House Audio, *supra* note 4 (remarks by Rep. Bob Holmes).

51. *Id.*

52. *See* House Audio, *supra* note 4.

53. *See id.*

54. *Id.*

Before the House voted, Representative Keen made a motion to table HB 1125 and all of its amendments.⁵⁵ House members defeated the motion by a vote of 106 to 63.⁵⁶

Analysis: Existing Anti-Bullying Legislation in Connecticut

The State of Connecticut enacted similar anti-bullying legislation, which became effective on February 1, 2003.⁵⁷ However, according to Therese Duncan, the Vice President of the Connecticut Parent Teachers Association (“PTA”), the legislation is “not very effective.”⁵⁸ Although the school boards adopted anti-bullying policies, many have simply given the law “lip service” because they do not think bullying prevention is a priority compared to the importance of standardized tests.⁵⁹ Additionally, some schools disapprove of the law due to the training time required, the differences in implementation, and because bullying is often ingrained in the schools’ cultures.⁶⁰ Despite these problems, however, Duncan notes that the legislation was not a “waste of time” because “it did raise awareness and in some situations [it] has helped [parents and students] deal with some [bullying] situations.”⁶¹

Georgia’s anti-bullying legislation is similar to the legislation that Connecticut has already enacted, and it appears from the concerns discussed by representatives during HB 1125’s floor debate that Georgia is likely to face many of the same practical difficulties that Connecticut schools face if the General Assembly enacts a bill similar to HB 1125 in the future.⁶²

Rachel E. Conrad

55. See House Audio, *supra* note 4 (remarks by Rep. Jerry Keen).

56. Georgia House of Representatives Voting Record, HB 1125 (Feb. 12, 2004).

57. See CONN. GEN. STAT. ANN. § 10-222(d) (West Supp. 2004).

58. See Electronic Mail Interview with Therese Duncan, Vice President of Leadership/Legislation for the Connecticut Parent Teacher Association (Apr. 18, 2004).

59. See *id.*

60. *Id.*

61. See *id.*

62. Compare HB 1125 (HCS), 2004 Ga. Gen. Assem., with CONN. GEN. STAT. ANN. § 10-222(d) (West Supp. 2004).