

CHAPTER NO. 202

HOUSE BILL NO. 2114

By Representatives Sherry Jones, Winningham, Armstrong, Russell Johnson, Tindell, Niceley, Overbey, Hackworth, Miller, Lois DeBerry, Pruitt, Moore, Langster, West, Fitzhugh, McMillan, DuBois, Favors, Towns, Brown, Campfield, Sontany, Fowlkes, Crider, Marrero, Mike Turner, Eldridge, Bone

Substituted for: Senate Bill No. 1621

By Senators Black, Finney, Harper, Ketron, Burks, Fowler

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 10, relative to school curricula.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following new sections thereto:

Section 49-6-1014.

The general assembly hereby finds and declares that:

(1) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(2) Harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment.

(3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation or bullying, encourage others to do so as well.

Section 49-6-1015. As used in this act, "harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of:

(1) Physically harming a student or damaging a student's property;

(2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

(3) Creating a hostile educational environment.

Section 49-6-1016.

(a) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(b) School districts are encouraged to include in such policies:

(1) A statement prohibiting harassment, intimidation or bullying;

(2) A definition of harassment, intimidation or bullying;

(3) A description of the type of behavior expected from each student;

(4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;

(5) A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(6) A procedure for prompt investigation of a report of an act of harassment, intimidation or bullying;

(7) A statement of the manner in which a school district will respond after an act of harassment, intimidation or bullying is reported, investigated and confirmed;

(8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying;

(9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

(10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying as a means of reprisal or retaliation or as a means of harassment, intimidation or bullying;

(11) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities; and

(12) The identification by job title of school officials responsible for ensuring that policy is implemented.

(13) A procedure for discouraging and reporting conduct aimed at defining a student in a sexual manner or conduct impugning the character of a student based on allegations of sexual promiscuity.

Section 49-6-1017. Each LEA shall adopt a policy prohibiting harassment, intimidation or bullying and transmit a copy of such policy to the commissioner of education by January 1, 2006.

Section 49-6-1018.

(a) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation or bullying.

(b) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying is encouraged to report the act to the appropriate school official designated by the school district's policy.

(c) A school employee who promptly reports an act of harassment, intimidation or bullying to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

Section 49-6-1019. School districts are encouraged to form harassment, intimidation or bullying prevention task forces, programs, and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 2, 2005


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 2005


PHIL BREDEESEN, GOVERNOR