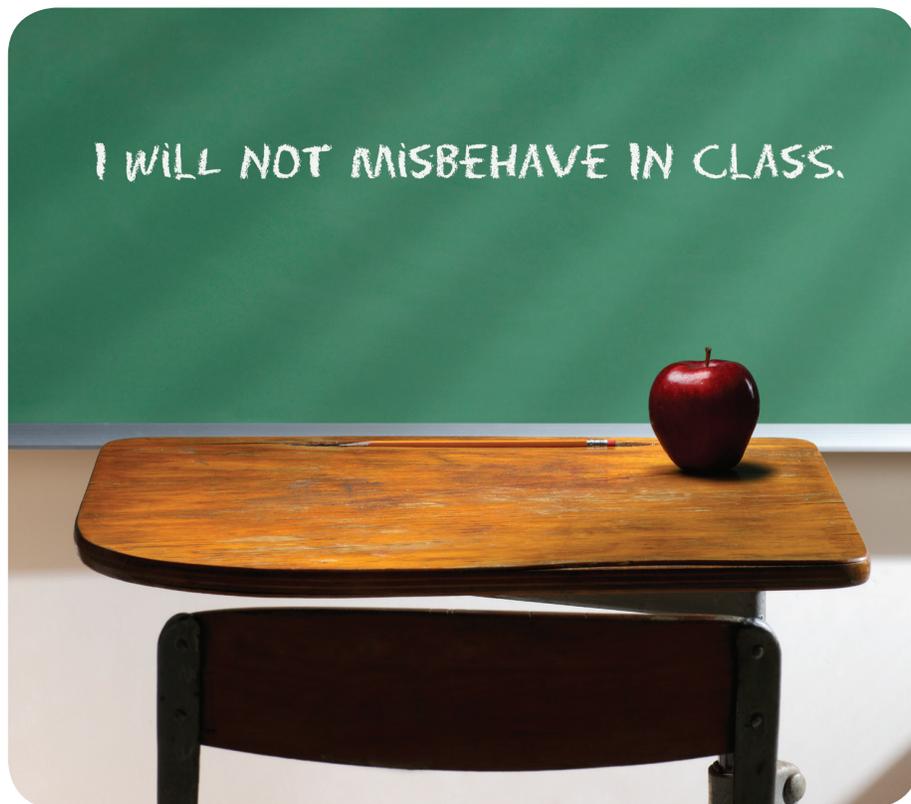


When My Child is Disciplined at School

Supplement

Georgia's Anti-Bullying Law: What Parents Need to Know



Second Edition 2014

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Georgia Appleseed Mission

To increase justice in Georgia through law and policy reform.

Legal Disclaimer

The information in this manual is provided as a matter of public service and is for informational use only. The information does not constitute legal advice and should not be used as such. Parents, guardians, and other users of this manual are strongly urged to confer with legal counsel in matters involving their students and school discipline.

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Georgia's Anti-Bullying Law: What Parents Need to Know

Bullying is illegal and can result in suspension from school. It's important to understand what the law says and what your rights are if your child has been accused of bullying. Georgia Appleseed believes that alternatives to suspension can help ensure that kids accused of bullying get the help they need while remaining in school, learning and growing with their peers.

Introduction

Under Georgia law, bullying is prohibited on school grounds, on school buses, at bus stops, at school-related functions and activities and on school computers.¹ State and local boards of education must have policies to be used by schools to address bullying.

The Georgia Department of Education has issued a model policy that prohibits bullying and outlines requirements for schools on how to address the topic. The law and the model policy were substantially changed in 2010 to broaden the definition of bullying, to reflect concerns about highly publicized tragedies involving bullying and to address new forms of bullying, including cyber-bullying (electronic).

Under the law, every school district in the state was required to incorporate these changes into its code of conduct by August 1, 2011.²

What Is Bullying?

Bullying can take many forms. If a student tries or threatens to injure another student and has the apparent present ability to do so, that is considered bullying.³ If a student purposely shows force in a way that gives another student reason to fear or expect immediate bodily harm, that is also considered bullying.⁴ If a student intentionally uses written or spoken words or a physical act that a reasonable person would perceive as being intended to threaten, harass or intimidate, those words or physical acts are considered bullying if:

- They cause another student to experience substantial or visible physical harm;⁵
- They substantially interfere with a student's education;
- They are so severe, persistent or pervasive that they create an intimidating or threatening school environment; or
- They substantially disrupt the orderly operation of the school.⁶

Some school codes of conduct contain specific examples of types of behavior that constitute bullying. Check your school's code of conduct to see if it does so. Discussing what bullying looks like in your school may help your child learn what types of behaviors to avoid.



When Can My Child Be Disciplined for Bullying?

Bullying is not limited to incidents on school grounds. Your child may be disciplined for bullying on school buses, at school bus stops and at school-related functions or activities.⁷ Your child may also be disciplined for “cyber-bullying” that takes place through a computer, computer system, computer network or other school system electronic technology.⁸ School codes of conduct may elaborate on these behaviors. Refer to your school’s code to learn exactly what the policy includes.

Investigation and Parent Notification

Schools should take reports of bullying seriously. The Georgia Department of Education’s model policy on bullying requires that schools have a procedure in place to determine in a timely way whether bullying has occurred. If your school receives a report that your child has been involved in bullying, you should expect that the school will take steps in response.

The model policy also requires that the parent or guardian of the accused student be notified at an appropriate time during or after the investigation, or notified immediately if an injury has occurred. Refer to your school’s code of conduct for exact policies.

Discipline and Punishment

Georgia has some of the strongest punishments in the nation for bullying.⁹ Penalties may vary from school to school. Some recently revised school codes require disciplinary action such as counseling, in-school suspension, short-term suspension, long-term suspension, expulsion or referral to an alternative school.

It is important for parents to know that under state law, a student in grades 6 through 12 who commits a third bullying offense in a school year will be expelled and automatically transferred to an alternative school.

How Can I Help my Child?

The consequences of bullying are serious. You can help your child by reviewing the school’s code of conduct to understand what is considered bullying and what disciplinary action may be taken. Talk with your child to discuss how to avoid engaging in bullying behavior.

What if...

The school says your child was involved in a fight that started because he or she was bullying another student through text messages. What should you do?

- Remember to remain calm throughout the process.
- Start by getting information. Ask a school official to explain what happened.
- Ask your child to explain what happened with all relevant details. Find out if any friends or other students saw or heard what happened.
- Read your school’s bullying prevention policy or plan, student handbook or other documents to learn how your school handles bullying and retaliation.
- If you believe your child has a bullying problem, find out about school resources that are available to help. Consider talking to a school counselor, social worker or child psychologist to find out how you can best help your child.

Other Action Steps

- Determine whether the police have been notified or if a juvenile complaint has been filed with the courts. If so, get a copy of the complaint and consider consulting with an attorney before a disciplinary hearing.¹⁰ Make sure you know when you need to be in court for any hearings.
- If the school has not already set up a meeting to discuss the bullying incident, call the school to schedule a conference. Try to find out what steps are being considered.
- Find out if your child will be allowed to attend regular classes while the school is considering what disciplinary measures to take for the alleged bullying incident. For example, will the school refer your child to in-school or out-of-school suspension instead?
- If your child is suspended, make sure you and your child ask teachers for any assignments your child will need to complete during the suspension period.

Notes:

¹ O.C.G.A. § 20-2-751.4(a).

² O.C.G.A. § 20-2-751.4(b)-(c).

³ O.C.G.A. § 20-2-751.4(a)(1).

⁴ O.C.G.A. § 20-2-751.4(a)(2).

⁵ “Visible bodily harm” may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts. See O.C.G.A. § 16-5-23.1.

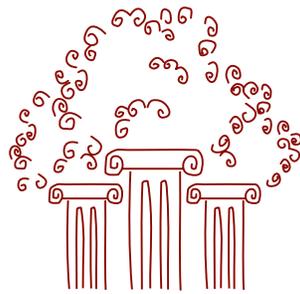
⁶ O.C.G.A. § 20-2-751.4(a)(3).

⁷ O.C.G.A. § 20-2-751.4(a).

⁸ Id.

⁹ U.S. Department of Education, Analysis of State Bullying Laws and Policies (2011), available at <http://www2.ed.gov/rschstat/eval/bullying/state-bullying-laws/state-bullying-laws.pdf>.

¹⁰ For a list of legal services organizations, see page 43 of the Appendix in *When My Child is Disciplined at School*.



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