Georgia Anti-Bullying Law

Under Georgia law, the state and local boards of education must have policies in place to be used by schools to address bullying. Bullying is prohibited on school grounds, on school buses and at bus stops, at school-related functions and activities, and on school computers. The Georgia Department of Education has issued a model policy about bullying, prohibiting bullying and outlining requirements for schools on how to handle bullying. The law and the model code were substantially changed in 2010 to broaden the scope of how bullying is defined, in particular to reflect concerns about highly publicized tragedies resulting from acts of bullying and to address new forms of bullying in this time of widespread electronic communication. The law required that every school district incorporate into its code of conduct these new prohibitions by August 1, 2011.

Each school may not adopt the exact same procedures for dealing with bullying. If your child is accused of bullying, you should read your school’s code of conduct to learn how the school might handle the situation.

What Is Bullying?

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

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

Some schools’ codes of conduct contain specific example of types of behavior that constitute bullying. Consult 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 acts that occur on school grounds. Your child may be disciplined for bullying that occurs on school buses, at school bus stops, and at school-related functions or activities. With the advent of technology, your child may also be disciplined for “cyber-bullying” that takes place through a computer, computer system, computer network, or other electronic technology of a school system. Each school
may choose to elaborate on these boundaries in its code of conduct. As a parent, you can refer to your school’s code to learn what the school’s exact policies are.

**Investigation and Parental Notification**

Schools should take seriously reports that bullying has occurred. The Georgia Department of Education’s model policy on bullying requires that a school have in place a procedure to timely investigate to determine whether bullying has occurred. Thus, if your school receives a report that your child has been involved in bullying, the school will likely 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 immediately if an injury has occurred. Your school’s code of conduct may mirror these requirements. You should refer to your school’s code of conduct to see its exact policies.

**Discipline and Punishment**

Georgia has some of the strongest punishments for bullying. Penalties may vary from school to school. Some of the recently revised school codes provide that disciplinary action will be taken, ranging from counseling, in-school suspension, short-term suspension, and long-term suspension, to expulsion or referral to an alternative school.

It is important for parents to be aware that, as required by Georgia law, if a student in grades six through 12 commits a third bullying offense in school year, the student will be expelled and automatically transferred to an alternative school.

**How Can I Help My Child?**

The consequences to bullying are serious. You can help your child by reviewing your school’s code of conduct to understand what is considered bullying and what is at stake in terms of disciplinary action. Talk to your child to discuss how to avoid engaging in bullying behavior.
What if…

Your child is in trouble for fighting at school. School officials tell you the fight started because your child was bullying another student through text messages. What should you do?

- Remain calm. Ask the school to explain what happened.
- Talk to your child. Ask him or her to explain what happened. It is important to get all of the details of the incident. Ask him or her if any friends or other students saw or heard what happened.
- Learn about the possible disciplinary actions your school may take by reading your school’s bullying prevention plan and student handbook for any references to bullying and retaliation.
- If you believe your child has a bullying problem, look to your school’s bullying prevention and intervention plan for resources that are available to help your child. Talking to school counselors, social workers or child psychologists may give you insight into how to help your child.
- Determine whether the police have been notified or a juvenile complaint has been filed with the courts. If so, get a copy of the complaint and consider consulting with an attorney prior to any disciplinary hearing. The Appendix contains a list of legal services organizations. Make sure you know when you have to be in court for any court 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 get a sense of what steps the school is considering.
- If your meeting with the school is not for several days, ask if your child will be allowed to attend his or her regular classes while the school is considering what disciplinary measures to take for the bullying incident. Will the school refer your child to in-school suspension 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.

---

i O.C.G.A. § 20-2-751.4(a).
ii O.C.G.A. § 20-2-751.4(b)-(c).
iii O.C.G.A. § 20-2-751.4(a)(1).
v “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.
vii O.C.G.A. § 20-2-751.4(a).
viii Id.