

SENATE BILL 3393

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 10, relative to cyber-bullying, intimidation and harassment in schools.

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

SECTION 1. This act shall be known and may be cited as the "Bullying Prevention Act of 2012".

SECTION 2. Tennessee Code Annotated, Section 49-6-1015, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in §§ 49-6-1014 - 49-6-1019:

(1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;

(2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites; and

(3) "Harassment", "intimidation", or "bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and

(A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:

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

(ii) Knowingly placing a student or students in reasonable fear, as determined by using an objective standard, of physical harm to the student or damage to the student's property;

(iii) Causing emotional distress to a student or students; or

(iv) Creating a hostile educational environment; or

(B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment.

(b) As used in subdivisions (a)(3)(A) and (B), "creating a hostile educational environment" or "causing emotional distress" shall not be construed to include mere discomfort and unpleasantness that can accompany the expression of a viewpoint or belief that is unpopular, not shared by other students, or not shared by teachers or school officials.

SECTION 3. Tennessee Code Annotated, Section 49-6-1016, is amended by deleting subdivision (b)(2) and redesignating accordingly and by adding the following new subsection (c):

The policy developed pursuant to this section shall not be construed or interpreted to infringe upon the first amendment rights of students and shall not prohibit their expression of beliefs protected by the first amendment.

SECTION 4. Tennessee Code Annotated, Section 49-6-1019, is amended by designating the existing language as subsection (a) and by adding the following as new subsections thereto:

(b) Harassment, intimidation, or bullying prevention task forces, programs, and other initiatives formed by school districts, including any curriculum adopted for such purposes, shall be focused primarily on the conduct of the person engaged in the harassment, intimidation, or bullying rather than on the characteristics of the victim.

(c) Notwithstanding any other law to the contrary, if a student reports to any principal, teacher, or guidance counselor physical harm or a threat of physical harm to himself or to his or her property as a consequence of bullying or if a student reports to a

principal, teacher or guidance counselor an act of bullying other than one of physical harm or a threat of physical harm to himself or herself and another student reports or has reported to that principal, teacher, or guidance counselor bullying of that same student, then such report shall be investigated by the principal and a report of such principal's findings, along with any disciplinary action taken or recommended, shall be provided to the director and to the chair of the local board. Nothing in this section shall be construed to prevent any report of bullying not described in this section to be investigated and reported in a like manner.

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it.