

1 HB226
2 124132-1
3 By Representative Todd
4 RFD: Education Policy
5 First Read: 10-MAR-11

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8 SYNOPSIS: Under existing law, State Department of
9 Education is required to develop a model policy for
10 local school boards pertaining to student
11 harassment prevention. Currently, the term
12 "harassment" does not specifically include as a
13 characteristic of a student the gender identity or
14 sexual orientation of the student or of the
15 individual who is associates with the student.

16 This bill would expand the definition of
17 "harassment" to include as a characteristic of a
18 student the gender identity or sexual orientation
19 of the student or of the individual with whom the
20 student associates.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Section 16-28B-3, Code of Alabama 1975,
27 relating to the development of a model policy by the State

1 Department of Education for local school boards pertaining to
2 student harassment prevention, to expand the definition of
3 "harassment" to include as a characteristic of a student the
4 gender identity or sexual orientation of the student or of the
5 individual with whom the student associates.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 16-28B-3, Code of Alabama 1975,
8 is amended to read as follows:

9 "§16-28B-3.

10 "The following terms have the following meanings:

11 "(1) DEPARTMENT. The State Department of Education.

12 "(2) HARASSMENT. A continuous pattern of intentional
13 behavior that takes place on school property, on a school bus,
14 or at a school-sponsored function including, but not limited
15 to, written, electronic, verbal, or physical acts that are
16 reasonably perceived as being motivated by any characteristic,
17 such as the gender identity or sexual orientation, of a
18 student, or by the association of a student with an individual
19 who has a particular characteristic, such as the gender
20 identity or sexual orientation of the individual, if the
21 characteristic falls into one of the categories of personal
22 characteristics contained in the model policy adopted by the
23 department or by a local board. To constitute harassment, a
24 pattern of behavior may do any of the following:

25 "a. Place a student in reasonable fear of harm to
26 his or her person or damage to his or her property.

1 "b. Have the effect of substantially interfering
2 with the educational performance, opportunities, or benefits
3 of a student.

4 "c. Have the effect of substantially disrupting or
5 interfering with the orderly operation of the school.

6 "d. Have the effect of creating a hostile
7 environment in the school, on school property, on a school
8 bus, or at a school-sponsored function.

9 "e. Have the effect of being sufficiently severe,
10 persistent, or pervasive enough to create an intimidating,
11 threatening, or abusive educational environment for a student.

12 " (3) HOSTILE ENVIRONMENT. The perception by an
13 affected student or victim that the conduct of another student
14 constitutes a threat of violence or harassment and that the
15 conduct is objectively severe or pervasive enough that a
16 reasonable person, under the circumstances, would agree that
17 the conduct constitutes harassment, threat of assault, or
18 assault.

19 " (4) LOCAL BOARD. A city or county board of
20 education.

21 " (5) SCHOOL. Each public school, grades
22 prekindergarten through 12, the Alabama Institute for Deaf and
23 Blind, the Alabama High School of Mathematics and Science, and
24 the Alabama School of Fine Arts.

25 " (6) SCHOOL SYSTEM. The schools under the
26 jurisdiction of a local board."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.