

Amendment No. 2 to HB2641

Montgomery
Signature of Sponsor

AMEND Senate Bill No. 2556

House Bill No. 2641*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-308, is amended by deleting subdivision (a)(4) and substituting instead the following:

(4) Communicates with another person or transmits or displays an image without legitimate purpose with the intent that that the image is viewed by the victim by any method described in subdivision (a)(1) and the person:

(A) Maliciously intends the communication to be a threat of harm to the victim; and

(B) A reasonable person would perceive the communication to be a threat of harm.

SECTION 2. Tennessee Code Annotated, Section 49-6-1016, is amended by adding the following new subsection:

(c)

(1) Each LEA shall, at the beginning of each school year, provide teachers and school counselors a copy of the policy along with information on the policy's implementation, bullying prevention and strategies to address bullying and harassment when it happens. In addition, each LEA shall provide training to teachers and counselors regarding the policy and appropriate procedures relative to implementation of the policy. The department of education shall provide guidelines for such training and provide recommendations of appropriate, available and free bullying and harassment prevention resources.

(2) Each LEA shall also:

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(A) At the beginning of the school year, make available to students and parents information relative to bullying prevention programs to promote awareness of the harmful effects of bullying and to permit discussion with respect to prevention policies and strategies.

(B) Beginning August 1, 2013, and annually thereafter, prepare and provide to the department of education a report concerning the number of bullying cases brought to the attention of school officials during the preceding year and the manner in which they were resolved or the reason they are still pending.

(3) The department shall annually submit a report to the education committees of the House of the Representatives and the Senate updating membership on the number of bullying cases reported statewide, the number of LEAs implementing the provisions of this law and any other information relating to the subject of bullying and harassment as will be helpful to the committee in establishing policy in this area.

(d)

(1) The principal of a middle school, junior high school, or high school, or the principal's designee, shall investigate the following acts of harassment, intimidation, bullying or cyber-bullying:

(A) When a student reports to any principal, teacher or guidance counselor that physical harm or a threat of physical harm to such student's person or property has occurred,

(B) When a student reports to any principal, teacher or guidance counselor the occurrence of an act of harassment, intimidation, bullying or cyber-bullying not resulting in physical harm or the threat of physical harm and the same act is corroborated by another student; and

(C) When any other act occurs and the principal determines that investigation of such act is necessary to ensure the safety and well being of a student or students.

(2) Following any investigation required by this part, the principal or such principal's designee shall report the findings, along with any disciplinary action taken, to the director of schools and the chair of the local board of education.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.