

- **Public Chapter 992 - Effective July 1st, 2012** - This new law revises how TN school systems & law enforcement agencies should treat and define “harassment.”

OLD VERSION	NEW VERSION
<p>A person commits a Class A misdemeanor by intentionally communicating with another person or transmitting or displaying an image in a manner in which there was a reasonable expectation that the image would be viewed by the victim via telephone, in writing or by electronic communication including text messaging, fax, email, or Internet Services without legitimate purpose:</p> <ul style="list-style-type: none"> • With a malicious intent to frighten, intimidate or cause emotional distress; OR • In a manner the harasser knew, or reasonably should have known, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibility; AND <p>As a result of the communication, the similarly situated person was frightened, intimidated or emotionally distressed.</p>	<p>A person now commits a Class A misdemeanor if:</p> <ul style="list-style-type: none"> • He/She intentionally communicates with another person or transmits or displays an image without legitimate purpose with the intent that the image is viewed by the victim by telephone, in writing or by electronic communication including text messaging, fax, email or Internet services; • He/She maliciously intends the communication to be a threat of harm to the victim; AND • A reasonable person would perceive the communication to be a threat of harm. <p>A Class A misdemeanor is punishable by not greater than eleven (11) months, twenty-nine (29) days in jail or a fine not to exceed two thousand five hundred dollars (\$2,500) or both.</p>
<p>Under the old law:</p> <ul style="list-style-type: none"> • School systems were required to adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying. 	<p>Under the new law:</p> <ul style="list-style-type: none"> • Those school systems, <i>at the beginning of each year</i>, must provide teachers and school counselors with copies of the policy along with information on implementation, bullying prevention and strategies to address bullying when it occurs.

Public Chapter 992 also requires school systems to:

- Make information available to students/parents relating to bullying prevention programs;
- Promote discussions with students/parents about prevention policies and strategies;
- (Beginning in August 2013) Annually provide to the Department of Education a report concerning (1) the number of bullying cases brought to the attention of school officials during the preceding year, (2) the manner in which they were resolved or (3) the reasons they are still pending.

Bullying Cases/Investigations

- Under Public Chapter 992, principals or their designees **MUST** investigate **ANY** act of harassment, intimidation, bullying or cyber-bullying when a student reports that physical harm or a threat of physical harm to such student’s person or property has occurred.
- Following any such required investigation, the principal or such principal’s designee **MUST** report the findings, along with any disciplinary action taken to the Director of Schools **AND** the local board chair.