

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1366
Committee Substitute Favorable 5/17/07

Short Title: School Violence Prevention Act.

(Public)

Sponsors:

Referred to:

April 10, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

3 Whereas, the General Assembly of North Carolina finds that a safe and civil
4 environment in school is necessary in order for students to learn and achieve high
5 academic standards; and

6 Whereas, bullying and harassment, like other disruptive or violent behaviors,
7 is conduct that disrupts both a student's ability to learn and a school's ability to educate
8 its students in a safe environment; and

9 Whereas, bullying and harassing behaviors create a climate that fosters
10 violence in our schools; and

11 Whereas, it is essential to enact a law that seeks to protect the health and
12 welfare of North Carolina students and improve the learning environment for North
13 Carolina students; Now, therefore,

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** Subchapter VI of Chapter 115C of the General Statutes is
16 amended by adding a new Article to read:

17 "Article 29B.

18 "School Violence Prevention.

19 **"§ 115C-407.5. Bullying and harassing behavior.**

20 (a) As used in this Article, "bullying or harassing behavior" is any pattern of
21 gestures or written, electronic, or verbal communications, or any physical act or any
22 threatening communication, that takes place on school property, at any
23 school-sponsored function, or on a school bus, and that:

24 (1) Places a student or school employee in actual and reasonable fear of
25 harm to his or her person or damage to his or her property; or

26 (2) Creates or is certain to create a hostile environment by substantially
27 interfering with or impairing a student's educational performance,
28 opportunities, or benefits. For purposes of this section, "hostile
29 environment" means that the victim subjectively views the conduct as

1 bullying or harassing behavior and the conduct is objectively severe or
2 pervasive enough that a reasonable person would agree that it is
3 bullying or harassing behavior.

4 Bullying or harassing behavior includes, but is not limited to, acts reasonably
5 perceived as being motivated by any actual or perceived characteristic, such as race,
6 color, religion, ancestry, national origin, gender, gender identity or expression, physical
7 appearance, sexual orientation, or mental, physical, or sensory disability, or by
8 association with a person who has or is perceived to have one or more of these
9 characteristics.

10 (b) No student or school employee shall be subjected to bullying or harassing
11 behavior by school employees or students.

12 (c) No person shall engage in any act of reprisal or retaliation against a victim,
13 witness, or a person with reliable information about an act of bullying or harassing
14 behavior.

15 (d) A school employee, student, or volunteer who has witnessed or has reliable
16 information that a student or school employee has been subject to any act of bullying or
17 harassing behavior shall report the incident to the appropriate school official.

18 **"§ 115C-407.6. Policy against bullying or harassing behavior.**

19 (a) Before December 31, 2007, each local school administrative unit shall adopt
20 a policy prohibiting bullying or harassing behavior.

21 (b) The policy shall contain, at a minimum, the following components:

22 (1) A statement prohibiting bullying or harassing behavior.

23 (2) A definition of bullying or harassing behavior no less inclusive than
24 that set forth in this Article.

25 (3) A description of the type of behavior expected from each student and
26 school employee.

27 (4) Consequences and appropriate remedial action for a person who
28 commits an act of bullying or harassment.

29 (5) A procedure for reporting an act of bullying or harassment, including a
30 provision that permits a person to report such an act anonymously.
31 This shall not be construed to permit formal disciplinary action solely
32 on the basis of an anonymous report.

33 (6) A procedure for prompt investigation of reports of serious violations
34 and complaints of any act of bullying or harassment, identifying either
35 the principal or the principal's designee as the person responsible for
36 the investigation.

37 (7) A statement that prohibits reprisal or retaliation against any person
38 who reports an act of bullying or harassment, and the consequence and
39 appropriate remedial action for a person who engages in reprisal or
40 retaliation.

41 (8) A statement of how the policy is to be disseminated and publicized,
42 including notice that the policy applies to participation in
43 school-sponsored functions.

1 (c) Notice of the local policy shall appear in any school unit publication that sets
2 forth the comprehensive rules, procedures, and standards of conduct for schools within
3 the school unit and in any student and school employee handbook.

4 (d) Information regarding the local policy against bullying or harassing behavior
5 shall be incorporated into a school's employee training program.

6 (e) To the extent funds are appropriated for these purposes, a local school
7 administrative unit shall:

8 (1) Provide training on the local policy to school employees and
9 volunteers who have significant contact with students; and

10 (2) Develop a process for discussing the policy with students.

11 **"§ 115C-407.7. Prevention of school violence.**

12 Schools shall develop and implement methods and strategies for promoting school
13 environments that are free of bullying or harassing behavior.

14 **"§ 115C-407.8. Construction of this Article.**

15 (a) This Article shall not be construed to permit school officials to punish student
16 expression or speech based on an undifferentiated fear or apprehension of disturbance or
17 out of a mere desire to avoid the discomfort and unpleasantness that always accompany
18 an unpopular viewpoint.

19 (b) This Article shall not be interpreted to prevent a victim of bullying or
20 harassing behavior from seeking redress under any other available law, either civil or
21 criminal.

22 (c) Nothing in this Article shall be construed to require an exhaustion of the
23 administrative complaint process before civil or criminal law remedies may be pursued
24 regarding bullying or harassing behavior.

25 (d) The provisions of this Article are severable, and if any provision of this
26 Article is held invalid by a court of competent jurisdiction, the invalidity shall not affect
27 other provisions of this Article which can be given effect without the invalid provision.

28 (e) The provisions of this Article shall be liberally construed to give effect to its
29 purposes.

30 (f) Nothing in this act shall be construed to create any classification or
31 preference beyond those existing in present statute or case law."

32 **SECTION 2.** This act is effective when it becomes law and applies
33 beginning with the 2007-2008 school year.