

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1366

Short Title: School Violence Prevention Act. (Public)

Sponsors: Representatives Glazier, Fisher, Justice, Stiller (Primary Sponsors); Alexander, Allen, Bell, Blue, Bordsen, Bryant, Carney, Coates, Coleman, Cotham, Cunningham, Dickson, Earle, England, Farmer-Butterfield, Frye, Goforth, Goodwin, Grady, Hall, T. Harrell, Harrison, Howard, Insko, Jeffus, Johnson, Jones, Lucas, Luebke, Martin, Michaux, Mobley, Parmon, Pierce, Rapp, Ross, Tarleton, Underhill, Wainwright, Weiss, Wilkins, Womble, Wray, Wright, and Yongue.

Referred to: Education, if favorable, Judiciary II.

April 10, 2007

A BILL TO BE ENTITLED

AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

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

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

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

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

The General Assembly of North Carolina enacts:

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

"Article 29B.

"School Violence Prevention.

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

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

- 1 (1) Places a student or school employee in actual and reasonable fear of
2 harm to his or her person or damage to his or her property; or
3 (2) Has the effect of substantially interfering with or impairing a student's
4 educational performance, opportunities, or benefits.

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

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

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

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

19 "**§ 115C-407.6. Policy against bullying or harassing behavior.**"

20 (a) Before December 31, 2007, each local school administrative unit shall adopt
21 a policy prohibiting bullying or harassing behavior. The school unit shall involve
22 parents and guardians, school employees, volunteers, students, administrators, and
23 community representatives in the process of developing the policy.

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

- 25 (1) A statement prohibiting bullying or harassing behavior.
26 (2) A definition of bullying or harassing behavior no less inclusive than
27 that set forth in this Article.
28 (3) A description of the type of behavior expected from each student and
29 school employee.
30 (4) Consequences and appropriate remedial action for a person who
31 commits an act of bullying or harassment.
32 (5) A procedure for reporting an act of bullying or harassment, including a
33 provision that permits a person to report such an act anonymously.
34 This shall not be construed to permit formal disciplinary action solely
35 on the basis of an anonymous report.
36 (6) A procedure for prompt investigation of reports of serious violations
37 and complaints of any act of bullying or harassment, identifying either
38 the principal or the principal's designee as the person responsible for
39 the investigation.
40 (7) A statement that prohibits reprisal or retaliation against any person
41 who reports an act of bullying or harassment, and the consequence and
42 appropriate remedial action for a person who engages in reprisal or
43 retaliation.

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

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

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

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

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

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

14 **"§ 115C-407.7. Prevention of school violence.**

15 Schools shall develop and implement methods and strategies for:

16 (1) Promoting school environments that are free of bullying or harassing
17 behavior; and

18 (2) Incorporating awareness and sensitivity to the prohibitions under this
19 Article into civility, citizenship, and character education.

20 **"§ 115C-407.8. Construction of this Article.**

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

24 (b) Nothing in this article shall be construed to require an exhaustion of the
25 administrative complaint process before civil or criminal law remedies may be pursued
26 regarding bullying or harassing behavior.

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

30 (d) The provisions of this Article shall be liberally construed to give effect to its
31 purposes."

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