

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 776

Short Title: No Bullying Anyone at Public Schools. (Public)

Sponsors: Representatives Stam, Neumann, Stevens, McGee (Primary Sponsors); Allred, Avila, Barnhart, Blackwell, Blackwood, Blust, Boles, Braxton, Brisson, Brown, Brubaker, Burr, Burris-Floyd, Cleveland, Coates, Crawford, Current, Daughtry, Dockham, Dollar, Folwell, Frye, Gillespie, Grady, Guice, Gulley, Hill, Hilton, Holloway, Howard, Hurley, Johnson, Justice, Justus, Killian, Langdon, Lewis, Love, McComas, McCormick, McElraft, Mills, Moore, Pierce, Randleman, Rhyne, Sager, Samuelson, Setzer, Spear, Starnes, Steen, Stiller, Sutton, Tillis, Tucker, West, and Wiley.

Referred to: Education, if favorable, Judiciary I.

March 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PREVENT BULLYING AT PUBLIC SCHOOLS.

3 The General Assembly of North Carolina enacts:

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

6 "Article 29B.

7 "School Violence Prevention.

8 **"§ 115C-407.5. Bullying and harassing behavior.**

9 (a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures,
10 verbal communications, or physical acts that take place on school property, at any
11 school-sponsored function, or on a school bus, and that:

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

14 (2) Creates a hostile environment, by substantially interfering with or impairing
15 a student's educational performance, opportunities, or benefits. For purposes
16 of this section, "hostile environment" means that the victim subjectively
17 views the conduct as bullying or harassing behavior, and the conduct is
18 objectively severe or pervasive enough that a reasonable person would agree
19 that it is bullying or harassing behavior.

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

22 (c) No person shall engage in any act of reprisal or retaliation against a person who
23 reports bullying or harassing behavior.

24 (d) A school employee, student, or volunteer who has witnessed or has reliable
25 information that a student or school employee has been subject to bullying or harassing
26 behavior shall report the incident to the appropriate school official.

27 **"§ 115C-407.6. Policy against bullying or harassing behavior.**

28 (a) Before December 31, 2009, each local school administrative unit shall adopt a
29 policy prohibiting bullying or harassing behavior.

30 (b) The policy shall:



- 1 (1) Prohibit bullying or harassing behavior.
2 (2) Define bullying or harassing behavior as set forth in this Article.
3 (3) State the consequences for a person who commits an act of bullying or
4 harassment.
5 (4) State a procedure for reporting an act of bullying or harassment, including a
6 provision that permits a person to report such an act confidentially. This
7 shall not be construed to permit disciplinary action solely on the basis of a
8 confidential report.
9 (5) State a procedure for prompt investigation of reports of serious violations
10 and complaints of any act of bullying or harassment, identifying either the
11 principal or the principal's designee as the person responsible for the
12 investigation.
13 (6) Prohibit reprisal or retaliation against any person who reports bullying or
14 harassment behavior, and state the consequences for a person who engages
15 in reprisal or retaliation.
16 (7) State how the policy is to be disseminated and publicized.
17 (c) Notice of the local policy shall appear in any school unit publication that sets forth
18 the comprehensive rules, procedures, and standards of conduct for schools within the school
19 unit and in any student and school employee handbook and be part of a school's employee
20 training program.
21 (d) A local school administrative unit shall:
22 (1) Provide training on the local policy to school employees and volunteers who
23 have significant contact with students; and
24 (2) Implement a process for discussing the policy with students.

25 **"§ 115C-407.7. Prevention of school violence.**

26 Schools shall implement methods and strategies for promoting school environments that are
27 free of bullying or harassing behavior.

28 **"§ 115C-407.8. Construction of this Article.**

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

33 (b) This Article shall not be interpreted to prevent a victim of bullying or harassing
34 behavior from seeking redress under any other available law.

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

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

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

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

45 **SECTION 2.** This act is effective when it becomes law and applies beginning with
46 the 2009-2010 school year.