

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1366
Committee Substitute Favorable 5/17/07
Committee Substitute #2 Favorable 5/22/07
Senate Judiciary II (Civil) Committee Substitute Adopted 7/31/07

Short Title: School Violence Prevention Act.

(Public)

Sponsors:

Referred to:

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) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- (2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance,

1 opportunities, or benefits. For purposes of this section, "hostile
2 environment" means that the victim subjectively views the conduct as
3 bullying or harassing behavior and the conduct is objectively severe or
4 pervasive enough that a reasonable person would agree that it is
5 bullying or harassing behavior.

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

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

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

14 **"§ 115C-407.6. Policy against bullying or harassing behavior.**

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

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

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

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

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

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

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

29 (6) A procedure for prompt investigation of reports of serious violations
30 and complaints of any act of bullying or harassment, identifying either
31 the principal or the principal's designee as the person responsible for
32 the investigation.

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

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

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

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

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

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

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

6 **"§ 115C-407.7. Prevention of school violence.**

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

9 **"§ 115C-407.8. Construction of this Article.**

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

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

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

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

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

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

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