

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-410
HOUSE BILL 1078**

AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ON NOTIFICATION TO THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ALLEGED TO BE VICTIMS OF ANY ACT REQUIRED TO BE REPORTED TO LAW ENFORCEMENT AND THE SUPERINTENDENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-288(g) reads as rewritten:

"(g) ~~To Report Certain Acts to Law Enforcement.~~Enforcement and the Superintendent. – When the principal has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law, the principal shall immediately report the act to the appropriate local law enforcement agency. Failure to report to law enforcement under this subsection is a Class 3 misdemeanor. For purposes of this subsection, "school property" shall include any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the principal. ~~It is the intent of the General Assembly that the principal notify the superintendent and the superintendent notify the local board of any report made to law enforcement under this subsection.~~

The principal or the principal's designee shall notify the superintendent or the superintendent's designee in writing or by electronic mail regarding any report made to law enforcement under this subsection. This notification shall occur by the end of the workday in which the incident occurred when reasonably possible but not later than the end of the following workday. The superintendent shall provide the information to the local board of education."

SECTION 2. G.S. 115C-47 is amended by adding a new subdivision to read:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...
(56) To Notify Parents or Legal Guardians of Students Alleged to be Victims of Acts Required to be Reported to Law Enforcement and the Superintendent. – Local boards of education shall adopt a policy on the notification to parents or legal guardians of any students alleged to be victims of any act that is required to be reported to law enforcement and the superintendent under G.S. 115C-288(g)."



SECTION 3. This act is effective when it becomes law. Section 2 of this act applies beginning with the 2010-2011 school year.

In the General Assembly read three times and ratified this the 27th day of July, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 2:12 p.m. this 5th day of August, 2009