

April 5, 2007

**H 1366. SCHOOL VIOLENCE PREVENTION ACT.** Filed 4/5/07. *TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.*

Enacts new Article 29B of GS Chapter 115C regarding school violence prevention. GS 115C-407.5 prohibits bullying and harassing behavior, provides guidelines for identifying such behavior, imposes an affirmative duty to report instances of bullying and harassing, and prohibits reprisal or retaliation against persons reporting the behavior. GS 115C-407.6 directs local education agencies (LEAs) to adopt and publish a policy prohibiting bullying or harassing behavior before December 31, 2007. Requires that stakeholders, including students, parents, school personnel, and community representatives, be involved in developing the policy. Specifies the required minimal content of the policy. GS 115C-407.7 directs schools to develop and implement strategies for school violence prevention. GS 115C-407.8 directs that the article is to be liberally construed and is not to be interpreted as requiring an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued regarding bullying or harassing behavior. Applies beginning with the 2007-08 school year.

**Intro. by Glazier, Fisher, Justice, Stiller.** GS 115C

May 17, 2007

**H 1366. SCHOOL VIOLENCE PREVENTION ACT.** Filed 4/5/07. House committee substitute makes the following changes to 1st edition. Modifies proposed GS 115C-407.5 to specify that bullying and harassing behavior encompasses creating a hostile environment and defines *hostile environment* for the purposes of the article. Modifies proposed GS 115C-407.8 to (1) prohibit school officials from using the provisions of the act to punish student expression or speech to avoid the discomfort and unpleasantness that accompany an unpopular viewpoint, and (2) provide that the act does not create any classification or preference that goes beyond those that exist in present statutory or case law.

May 22, 2007

**H 1366. SCHOOL VIOLENCE PREVENTION ACT.** Filed 4/5/07. House committee substitute makes the following changes to 2nd edition. Modifies proposed new GS 115C-407.8(a) to provide that the Article not be construed to permit school officials to prohibit student speech or expression out of a desire (was, *mere* desire) to avoid the discomfort or unpleasantness that always accompany an unpopular viewpoint.

July 31, 2007

**H 1366. SCHOOL VIOLENCE PREVENTION ACT.** Filed 4/5/07. Senate committee substitute makes the following changes to 3rd edition. Modifies proposed GS 115C-407.5 to delete the statement enumerating acts that are included in bullying or harassing behavior.

July 14, 2008

**H 1366. SCHOOL VIOLENCE PREVENTION ACT.** Filed 4/5/07. Conference report recommends the following changes to 5th edition to reconcile matters in controversy.

Expands the whereas clauses supporting the enactment of this law to specify that state and national data and anecdotal evidence establish a need to identify the most vulnerable targets and potential victims of bullying and harassment, and that the sole purpose of this act is to protect all children from bullying and harassment.

Amends proposed new GS 115C-407.5 to enumerate acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic that constitute bullying or harassing behavior. Specifies that bullying or harassing behavior is not limited to the acts that are listed.

Amends proposed new GS 115C-407.6 to direct each local school administrative unit (local unit) to adopt a policy prohibiting bullying behavior before December 31, 2008 (was, before December 31, 2007). Inserts new subsection (c), providing that the provisions of the proposed School Violence Prevention Act (Act) do not prohibit a local unit from adopting a bullying and

harassment policy that includes components beyond the minimum components required in the act. Deletes provision requiring local units to develop a process for discussing the bullying and harassment policy with students and directs local units to provide require training on the local bullying and harassment policy to school employees and volunteers who have significant contact with students by March 1, 2009 (was, no date indicated for providing the training). Re-letters the remaining subsections accordingly.

Amends proposed new GS 115C-407.8 to add that the Act is also not to be construed to create any protected class or suspect category beyond those existing in present statute or case law.

Except as otherwise indicated, the act is effective when it becomes law and applies beginning with the 2008-09 school year (was, 2007-08 school year).