

March 11, 2009

H 548. SCHOOL VIOLENCE PREVENTION ACT. Filed 3/11/09. *TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.*

Enacts new Article 29B, *School Violence Prevention*, of GS Chapter 115C.

Enacts new GS 115C-407.5 prohibiting bullying and harassing behavior, imposing an affirmative duty to report instances of bullying and harassing, and prohibiting reprisal or retaliation against persons reporting the behavior. Specifies that bullying and harassing behavior encompasses placing a student or school employee in actual and reasonable fear of harm to the individual's person or damage to the individual's property or creating a hostile environment and defines *hostile environment* for the purposes of the article. Provides that acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic constitute bullying or harassing behavior. Specifies that bullying or harassing behavior is not limited to the acts motivated by the actual or perceived characteristics.

Enacts new GS 115C-407.6 directing local education agencies (LEAs) to adopt a policy prohibiting bullying or harassing behavior before December 31, 2009. Requires that notice of the policy be included in any (1) school publication that sets forth the comprehensive rules, procedures, and standards of conduct within the school unit; (2) student handbook; and (3) school employee handbook. Specifies the required minimal content of the policy. Provides 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. Requires that information regarding the local policy against bullying or harassing behavior be incorporated into the school employee training program. Directs local units to provide training on the local bullying and harassment policy to school employees and volunteers who have significant contact with students by March 1, 2010, to the extent that funds are appropriated for training.

Enacts new GS 115C-407.7 directing schools to develop and implement strategies for promoting school environments that are free of bullying or harassing behavior.

Enacts new GS 115C-407.8 directing that this 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. Provides that the Article not be construed to permit school officials to prohibit student speech or expression out of a desire to avoid the discomfort or unpleasantness that always accompany an unpopular viewpoint. Also provides that this Article is not to be interpreted to prevent a victim of bullying or harassment from seeking a remedy under any other available civil or criminal law. States that the Act is not to be construed to create any protected class or suspect category beyond those existing in present statute or case law. Provides that the provisions of this Article are severable.

Includes 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.

Applies beginning with the 2009-10 school year except as provided in proposed GS 115C-407.6 (requiring the adoption of an anti-bullying/harassing policy by December 31, 2009).

Intro. by Glazier, Fisher, Tarleton, Martin.

GS 115C