

March 24, 2009

H 776. NO BULLYING ANYONE AT PUBLIC SCHOOLS. Filed 3/24/09. *TO PREVENT BULLYING AT PUBLIC SCHOOLS.*

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

Enacts new GS 115C-407.5 to prohibit bullying and harassing behavior. Imposes an affirmative duty to report instances of bullying and harassing, and prohibits reprisal or retaliation against persons who report the behavior. Specifies that *bullying and harassing behavior* is any pattern of gestures, verbal communications, or physical acts that take place on school property, at school-sponsored functions, or on a school bus, and that places 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 creates a hostile environment. Defines *hostile environment* to mean that the victim subjectively views the conduct as bullying and harassing, and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Enacts new GS 115C-407.6 directing local education agencies (LEAs) to adopt a policy before December 31, 2009, prohibiting bullying or harassing behavior. 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. Provides guidelines as to the content of the policy. 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 and implement a process for discussing the policy with students.

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 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.

Applies beginning with the 2009-10 school year.

Intro. by Stam.

GS 115C