

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 394

Short Title: Clarify Process/Reportable Offenses in Sch. (Public)

Sponsors: Senators Newton, Tillman, Preston; Allran, D. Berger, Bingham, Brown, Clary, Daniel, Davis, Forrester, Harrington, Hise, Rabon, Rouzer, Soucek, Stevens, and Tucker.

Referred to: Judiciary I.

March 23, 2011

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE REQUIREMENT THAT SCHOOL PRINCIPALS REPORT CERTAIN ACTS TO LAW ENFORCEMENT.

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 and the Superintendent. – When the principal has ~~personal knowledge or actual notice from school personnel~~ reasonable belief 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.~~

The principal has reasonable belief if the principal sees or witnesses the occurrence of the act on school property. If the principal did not see or witness the act, then upon hearing or receiving an allegation that the act occurred on school property, the principal shall within no more than two school days initiate, conduct, and conclude an investigation to determine whether evidence exists that the act occurred on school property. If the principal makes this determination, the principal has reasonable belief that the act occurred on school property and must immediately report the act to the appropriate law enforcement agency.

Notwithstanding G.S. 115C-12(21), the State Board of Education shall not require the principal to report to law enforcement acts in addition to those required to be reported by this subsection.

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.

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.

Nothing in this subsection shall be interpreted to interfere with the due process rights of school employees or the privacy rights of students."



1 **SECTION 2.** This act is effective when it becomes law and applies beginning with
2 the 2011-2012 school year.