

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 707  
Judiciary II Committee Substitute Adopted 6/7/11

Short Title: School Violence Prevention Act.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

3 Whereas, the General Assembly of North Carolina finds that a safe and civil  
4 environment in school is necessary in order for students to learn and achieve high academic  
5 standards; and

6 Whereas, bullying and harassment, like other disruptive or violent behaviors, is  
7 conduct that disrupts both a student's ability to learn and a school's ability to educate its  
8 students in a safe environment; and

9 Whereas, bullying and harassing behaviors create a climate that fosters violence in  
10 our schools; and

11 Whereas, it is essential to enact a law that seeks to protect the health and welfare of  
12 North Carolina students and improve the learning environment for North Carolina students; and

13 Whereas, to do so, State and national data and anecdotal evidence have established  
14 the need to identify the most vulnerable targets and potential victims of bullying and  
15 harassment; and

16 Whereas, the sole purpose of this law is to protect all children from bullying and  
17 harassment, and no other legislative purpose is intended nor should any other intent be  
18 construed from passage of this law; Now, therefore,  
19 The General Assembly of North Carolina enacts:

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

21 "(g) To Report Certain Acts to Law Enforcement and the Superintendent. – When the  
22 principal has personal ~~knowledge~~ knowledge, a reasonable belief, or actual notice from school  
23 personnel that an act has occurred on school property involving assault resulting in serious  
24 personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a  
25 minor, assault involving the use of a weapon, possession of a firearm in violation of the law,  
26 possession of a weapon in violation of the law, or possession of a controlled substance in  
27 violation of the law, the principal shall immediately report the act to the appropriate local law  
28 enforcement agency. ~~Failure to report to law enforcement under this subsection is a Class 3~~  
29 ~~misdemeanor.~~

30 A principal who willfully fails to make a report to law enforcement required by this  
31 subsection may be subject to demotion or dismissal pursuant to G.S. 115C-325.

32 Notwithstanding any other provision of law, the State Board of Education shall not require  
33 the principal to report to law enforcement acts other than those required to be reported by this  
34 subsection.



1 For purposes of this subsection, "school property" shall include any public school building,  
2 bus, public school campus, grounds, recreational area, or athletic field, in the charge of the  
3 principal.

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

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

12 **SECTION 2.** Article 37 of Chapter 115C of the General Statutes is amended by  
13 adding a new section to read:

14 **"§ 115C-532.1. Probation officer visits at school; limitations.**

15 (a) Except as provided in this section, probation officers are not authorized to visit  
16 students during school hours on school property.

17 (b) Probation officers of the Division of Community Corrections, when working as a  
18 part of the Division's School Partnership Program, may visit students during school hours on  
19 school property with prior authorization by school administrators. For purposes of this section,  
20 "authorization" includes requests for assistance from guidance counselors or school resource  
21 officers.

22 (c) Each local school administrative unit shall develop protocols for coordinating with  
23 probation officers of the Division of Community Corrections in the planning and scheduling of  
24 school visits as provided in this section, utilizing existing administrative capacity to manage  
25 scheduling. Visits shall be conducted in a private area designated for such use and located away  
26 from contact with the general student population. The probation officer shall not initiate direct  
27 contact with a student while the student is in class or between classes. Initial contact with the  
28 student shall be made by a school administrator or other designated school employee, who shall  
29 direct the student to a private area to meet with the probation officer."

30 **SECTION 3.** If Senate Bill 648 becomes law, G.S. 115C-390.3, as enacted by that  
31 act, is amended by adding a new subsection to read:

32 "(d) No local board of education, nor its members, employees, designees, agents, or  
33 volunteers shall be liable in civil damages to any person for acting or failing to act to stop or  
34 intervene in an altercation between students unless that act or omission amounts to gross  
35 negligence, wanton conduct, or intentional wrongdoing. No school employee shall be  
36 reprimanded or dismissed for acting or failing to act to stop or intervene in an altercation  
37 between students."

38 **SECTION 4.** G.S. 115C-366 is amended by adding a new subsection to read:

39 "(i) A student who is convicted under G.S. 14-458.2 of cyber-bullying a school  
40 employee shall be transferred to another school within the local school administrative unit. If  
41 there is no other appropriate school within the local school administrative unit, the student shall  
42 be transferred to a different class or assigned to a teacher who was not involved as a victim of  
43 the cyber-bullying."

44 **SECTION 5.** G.S. 15A-301 is amended by adding a new subsection to read:

45 "(b1) Approval by District Attorney. – Notwithstanding any other provision of law, no  
46 warrant for arrest, order for arrest, criminal summons, or other criminal process shall be issued  
47 by a magistrate against a school employee as defined in G.S. 14-33(c)(6) for an offense that  
48 occurred while the school employee was in the process of discharging his or her duties of  
49 employment, without the prior written approval of the district attorney. For purposes of this  
50 subsection, the term "district attorney" means the person elected to the office of district

1 attorney. This subsection does not apply if the offense is a traffic offense or if the offense  
2 occurred in the presence of a sworn law enforcement officer."

3 **SECTION 6.** Article 60 of Chapter 14 of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 14-458.2. Cyber-bullying of school employee by student; penalty.**

6 (a) The following definitions apply in this section:

7 (1) School employee. – The term means any of the following:

8 a. An employee of a local board of education, a charter school  
9 authorized under G.S. 115C-238.29D, or a nonpublic school which  
10 has filed intent to operate under Part 1 or Part 2 of Article 39 of  
11 Chapter 115C of the General Statutes.

12 b. An independent contractor or an employee of an independent  
13 contractor of a local board of education, a charter school authorized  
14 under G.S. 115C-238.29D, or a nonpublic school which has filed  
15 intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C  
16 of the General Statutes, if the independent contractor carries out  
17 duties customarily performed by employees of the school.

18 (2) Student. – A person who is enrolled in the school at which the school  
19 employee is employed or a person who has been suspended or expelled  
20 within the last year from the school at which the school employee is  
21 employed.

22 (b) Except as otherwise made unlawful by this Article, it shall be unlawful for any  
23 student to use a computer or computer network to do any of the following:

24 (1) With the intent to intimidate or torment a school employee:

25 a. Build a fake profile or Web site;

26 b. Post or encourage others to post on the Internet private, personal, or  
27 sexual information pertaining to a school employee;

28 c. Post a real or doctored image of the school employee on the Internet;

29 d. Access, alter, or erase any computer network, computer data,  
30 computer program, or computer software, including breaking into a  
31 password-protected account or stealing or otherwise accessing  
32 passwords; or

33 e. Use a computer system for repeated, continuing, or sustained  
34 electronic communications, including electronic mail or other  
35 transmissions, to a school employee.

36 (2) Plant any statement, whether true or false, tending to provoke or that actually  
37 provokes any third party to stalk or harass a school employee.

38 (3) Copy and disseminate, or cause to be made, an unauthorized copy of any  
39 data pertaining to a school employee for the purpose of intimidating or  
40 tormenting that school employee (in any form, including, but not limited to,  
41 any printed or electronic form of computer data, computer programs, or  
42 computer software residing in, communicated by, or produced by a computer  
43 or computer network).

44 (4) Sign up a school employee for a pornographic Internet site.

45 (5) Without authorization of the school employee, sign up a school employee for  
46 electronic mailing lists or to receive junk electronic messages and instant  
47 messages, resulting in intimidation or torment of the school employee.

48 (c) Any student who violates this section is guilty of cyber-bullying a school employee,  
49 which offense is punishable as a Class 2 misdemeanor.

50 (d) Whenever any student pleads guilty to or is guilty of an offense under this section,  
51 the court may, without entering a judgment of guilt and with the consent of the student, defer

1 further proceedings and place the student on probation upon such reasonable terms and  
2 conditions as the court may require. Upon fulfillment of the terms and conditions of the  
3 probation provided for in this subsection, the court shall discharge the student and dismiss the  
4 proceedings against the student. Discharge and dismissal under this subsection shall be without  
5 court adjudication of guilt and shall not be deemed a conviction for purposes of this section or  
6 for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.  
7 Upon discharge and dismissal pursuant to this subsection, the student may apply for an order to  
8 expunge the complete record of the proceedings resulting in the dismissal and discharge,  
9 pursuant to the procedures and requirements set forth in G.S. 15A-146."

10 **SECTION 7.** Article 30 of Chapter 14 of the General Statutes is amended by  
11 adding a new section to read:

12 **"§ 14-266.4. Intimidation of school employee by school administrator to prevent**  
13 **employee from reporting assault by student on employee; failure to report**  
14 **assault on school employee.**

15 (a) If a person who is the supervisor of a school employee shall by threats, menaces, or  
16 in any other manner intimidate or attempt to intimidate the school employee from reporting an  
17 assault under G.S. 14-33 to a law enforcement officer or law enforcement agency, the person is  
18 guilty of a Class 2 misdemeanor.

19 (b) If a person who is the supervisor of a school employee (i) knows the school  
20 employee has been the victim of an assault by a student in violation of G.S. 14-33 resulting in  
21 bodily injury and (ii) fails to report the assault against the school employee, the person is guilty  
22 of a Class 2 misdemeanor."

23 **SECTION 8.** Article 8 of Chapter 14 of the General Statutes is amended by adding  
24 a new section to read:

25 **"§ 14-33.3. No civil or criminal liability for good-faith actions of a school employee to end**  
26 **a fight between students.**

27 No school employee as defined in G.S. 14-33(c)(6) who in the performance of his or her  
28 duties as a school employee takes actions in good faith to end a fight or altercation between  
29 students shall incur any civil or criminal liability as the result of the performance of those  
30 actions."

31 **SECTION 9.** Sections 5, 6, 7, and 8 of this act become effective December 1,  
32 2011, and apply to offenses committed on or after that date. The remainder of this act is  
33 effective when it becomes law. Sections 1, 2, 3, and 4 apply beginning with the 2011-2012  
34 school year.