

State of South Carolina General Assembly
‘Safe School Climate Act’
to Prevent School Harassment, Intimidation, or Bullying

Findings

Section 1.

(A) The General Assembly finds that:

- (1) A safe and civil environment in school is necessary for students to learn and achieve high academic standards.
- (2) Harassment, intimidation, and bullying, like other disruptive or violent behaviors, are conducts that disrupt both a student’s ability to learn and a school’s ability to educate its students in a safe environment.
- (3) Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

(B) The purpose of this act is to protect the health and welfare of, and improve the learning environment for South Carolina school children.

Safe School Climate Act

Section 2. Chapter 63, Title 59 of the 1976 Code is amended by adding:

Section 59-63-110. This article may be cited as the ‘Safe School Climate Act’.

Section 59-63-120. As used in this article:

- (1) “Harassment, intimidation, or bullying” means a gesture, an electronic communication, or a written, verbal, physical or sexual act that is reasonably perceived to have the effect of:
 - (a) harming a student physically or emotionally or damaging a student’s property, or placing a student in reasonable fear of personal harm or property damage; or
 - (b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.
- (2) ‘School’ means in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child.

Section 59-63-130. (A) A person may not engage in:

- (1) harassment, intimidation, or bullying; or
- (2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.

Section 59-63-140. (A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy.

- (B) The policy must include, but not be limited to, the following components:
- (1) a statement prohibiting harassment, intimidation, or bullying of a student;
 - (2) a definition of harassment, intimidation, or bullying no less inclusive than the definition in Section 59-63-120;
 - (3) a description of appropriate student behavior;
 - (4) consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation;
 - (5) procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint;
 - (6) procedures for prompt investigation of reports of serious violations and complaints;
 - (7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying;
 - (8) consequences and appropriate remedial action for persons found to have falsely accused another;
 - (9) a process for discussing the district's harassment, intimidation, or bullying policy with students; and
 - (10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions.

(C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or bullying, the State Board of Education shall develop model policies applicable to grades kindergarten through twelve. Additionally, the State Board of Education shall develop teacher preparation program standards on the identification and prevention of bullying. The model policies and standards must be developed no later than September 1, 2006.

(D) The local school board shall ensure that the school district's policy developed pursuant to this article is included in the school district's publication of the comprehensive rules, procedures, and standards of conduct for schools and in the student's handbook.

(E) Information regarding a local school district policy against harassment, intimidation, or bullying must be incorporated into a school's employee training program. Training also should be provided to school volunteers who have significant contact with students.

(F) Schools and school districts are encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members.

Section 59-63-150. (A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from failure to remedy the reported incident."

Time Effective

SECTION 3. This act takes effect upon approval by the Governor
Ratified the 7th day of June, 2006.
Approved the 12th day of June, 2006.