

School Violence Prevention Act Implementation Toolkit

The pain is still with me today. I was teased and harassed by my class mates because of harassment. I was beaten up in school because I was gay. I actually contemplated suicide at times as a teenager. I was teased and harassed by my class mates because of harassment. I was beaten up in school because I was gay. I was teased and harassed by my class mates because of harassment. I was beaten up in school because I was gay.

**MANY VOICES,
ONE MESSAGE:
BULLYING HURTS.**

Prevent School Violence NC is a coalition of advocacy organizations, educators, parents and students who supported the efforts of North Carolina legislators to enact the School Violence Prevention Act. Prevent School Violence NC coalition members include:

- ACLU of NC
- Action for Children NC
- Alliance of Disability Advocates NC
- American Assoc. of University Women NC
- Autism Society of NC
- El Pueblo NC
- Equality NC
- Mental Health Association of North Carolina
- National Association of Social Workers NC
- NC Advocates for Justice
- NC Association of Educators
- NC Coalition Against Domestic Violence
- NC Council of Churches
- NC Justice Center
- NC Pediatric Society
- NC Psychoanalytic Foundation
- NC School Social Workers Association
- NC Women United
- North Carolina NOW
- North Carolina PTA
- North Carolinians Against Gun Violence
- Parents and Teachers Against Violence in Education NC
- Prevent Child Abuse NC
- Safe Schools NC
- The Arc of North Carolina
- The Covenant with NC's Children
- Young Democrats of NC



This toolkit was created by Equality North Carolina. To learn more, please visit www.equalitync.org. Special thanks to Stephen Wiseman for his work on this resource.

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Foreword

On June 30, 2009 the landmark School Violence Prevention Act was signed into law by Governor Beverly Perdue. That day marked the culmination of more than three years of effort by Equality NC and all our partners in the Prevent School Violence NC coalition. The coalition worked tirelessly to ensure that this law would provide the strongest possible protections against bullying and harassment for all students, based on solid research about what kinds of policies work best.

Significantly, the bill explicitly covers acts of bullying motivated by the victim's real or perceived race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. The inclusion of these enumerated categories is a proven strategy that ensures the most vulnerable young people are protected.

The School Violence Prevention Act gives students, parents, teachers, and administrators a powerful tool to address bullying and harassment.

The thing about tools, though, is that they're only helpful when they're put to use. To really improve the lives of students who face harassment because they're lesbian, gay, bisexual or transgender or for any other reason, we must make sure that the new law is being used in every school in our state.

The document you hold in your hands now provides critical information for students, parents and advocates to ensure that their school is living up to its obligations under the new law and doing everything in its power to create a safe place to learn.

We hope that this helps you make *your* school a welcoming environment and encourage you to share it with others. Together, we can make a real difference in the lives of North Carolina's students.

For Fairness,

Ian Palmquist
Executive Director
Equality NC Foundation

Understanding the School Violence Prevention Act

On July 30, 2009, North Carolina Governor Beverly Perdue signed the School Violence Prevention Act (also known as the “anti-bullying bill”). The new law requires K-12 public schools in the state to adopt strong, consistent policies to protect all students from bullying and harassment.

Why was the law created?

School districts and individual schools have previously created their own anti-bullying policies, which has led to confusion at best, and unfair treatment of students at worst. Many policies were too general to be effective, and gave little guidance on what acts classify as bullying or harassment. Studies show that the clearer and more defined an anti-bullying policy is, the more likely it is to be followed by students and administrators. Teachers also wanted a consistent policy that would back them up in the classroom, and would allow them to be secure in knowing that the problems they saw in the classroom would be taken equally seriously by their supervisors, since everyone would be working from the same policy. In short, bullying and harassment needed to be taken out of the “eye of the beholder.”

Who does the law affect?

The School Violence Prevention Act affects all students, faculty and staff at K-12 public schools in North Carolina. Those in schools that already have strong anti-bullying policies may not see much of a change if their policies already fit into the new guidelines.

When will the change take place?

School districts should have comprehensive anti-bullying policies in place by December 31, 2009.

How will the new law be implemented?

Notice of the local policy will be printed in any school publication that lists comprehensive rules, procedures, and standards of conduct and in any student and school employee handbook. Information regarding the local policy against bullying or harassing behavior will also be incorporated into schools’ employee training programs. More information on implementation is available in the “Implementation of the Law” section.

Guidelines for Anti-Bullying Policies

Policies must include the following:

1. *A statement prohibiting bullying or harassing behavior*
2. *A definition of bullying or harassing behavior*
 - a. "Bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:
 - i. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
 - ii. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.
 - b. *A list of characteristics*
 - i. Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any **actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.**
3. *A description of the type of behavior expected for each student and school employee*
 - a. No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.
 - b. No person shall engage in any act of reprisal or retaliation against a victim, witness, or a person with reliable information about an act of bullying or harassing behavior.
 - c. A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of

bullying or harassing behavior shall report the incident to the appropriate school official.

- d. A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.
4. Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.
 5. A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
 6. A procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.
 7. A statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.
 8. A statement of how the policy is to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

Implementation of the Law

By December 31, 2009, all K-12 public schools in the state should have adopted policies prohibiting bullying or harassing behavior that fit within the School Violence Prevention Act guidelines.

Steps to Implementation

The following steps should be completed before the beginning of the 2010-2011 school year.

1. School Board approves updated model policy
2. School Board instructs School District Superintendent to give notice to all schools that a new anti-bullying policy is in place
3. Superintendent assigns school district official to be in charge of implementation of updated policy requirements
4. District creates uniform bullying incident report form and investigation procedure and ensures that uniform system is in place in all schools
5. District updates anti-bullying policy on website and in student, parent, and employee handbooks
6. District employee in charge of implementation ensures that the principal of each school in the district has assigned a school employee to receive reports of bullying and ensures that that person's role is known to students, employees and parents

How You Can Help Your School District Implement the SVPA

Not all school boards keep track of new laws passed by the State Legislature. So even though the North Carolina School Violence Prevention Act has become law, it does not mean your school board will know that it needs to implement an anti-bullying policy or update its existing policy for schools in your community.

There are currently 115 school boards in North Carolina – far too many for any single nonprofit organization to communicate with effectively about the new law. The conversation has to happen at the local level.

Start NOW to let the school board know the law has passed and that the Board needs to take action – board members will need time to plan for implementation. You can communicate with the Board in several ways:

- Contact a school board member you think is friendly and ask that person to take the lead on implementing the anti-bullying policy by presenting the issue to other school board members at an upcoming meeting.
 - OR contact the school board before their next meeting (you can also contact the superintendent) and ask to have time in an upcoming school board agenda to speak about the new law.
 - OR go to a school board meeting and sign up for an opportunity to speak during the public comment period, which usually occurs at

- the beginning of the meeting. You may only have two or three minutes.
- OR write a letter to your local school board and send it via email to all the members.
 - School board members' contact information is available on the school district website and at school district headquarters. School board meeting dates, locations and agendas are available on the school district website and at school district headquarters.
 - Give a copy of the text of the new law to each school board member.
 - Keep An Eye on the Process
 - Your school board may not want to implement certain aspects of the new law or may feel that it has more pressing concerns. If that is the case, gently remind the board that the North Carolina School Violence Prevention Act became effective June 30, 2009, and that each school district in the state must implement its model policy during by December 31, 2009.
 - Some policies set out in the North Carolina School Violence Prevention Act are required and others are suggested. Please ask your school board to:
 - Offer trainings! Under the new law, school districts are encouraged (but not required) to incorporate into existing training programs for school employees and volunteers information related to the prevention of, and the appropriate response to, acts of harassment and bullying by March 1, 2010. Studies have shown educating students and staff about positive, respectful behavior is more effective in combating bullying than punishing bullies after an incident occurs.
 - Create a task force that involves school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives!
 - Be creative and proactive in encouraging positive behavior!
- To get the most effective response to these requests, we offer these tips:
- School board members are volunteers. Please be considerate rather than demanding and thank them for their service.
 - Approach the school board in the spirit of cooperation. We all want the same thing for our youth – to be able to learn effectively in a safe and supportive school environment. The School Violence Prevention Act helps to foster that environment.

Resources

Sample Letter to your School Board

Date: _____

RE: Legislature Requires School Districts to Update Anti-bullying Policies this School Year

Dear School Board Members:

First, I would like to thank you for your service on the school board. I know it takes a lot of energy and I appreciate you volunteering your time to make our local schools better for all students.

An issue that I am particularly concerned with in local schools is the continued problem of harassment, intimidation, and bullying that I hear about from students. [ADD A LOCAL STORY OF BULLYING OR COMMENT YOU HAVE HEARD FROM A LOCAL STUDENT OR TEACHER.]

Fortunately, the state legislature has taken action to address this problem. I am writing to let you know about the North Carolina School Violence Prevention Act that became law this summer, which requires action by the school board. SB 526, the North Carolina School Violence Prevention Act, was passed by the state Legislature in June 2009. The law requires school districts to include specific elements in their policies addressing harassment and bullying. I have attached a copy of SB 526.

While it is true that children have been bullying one another since the dawn of time, a study by the National Youth Violence Prevention Resource Center indicates that schools with effective anti-bullying programs can cut bullying in half. That means more students focusing on learning rather than fearing for their safety in school.

Please let me know if there is anything I can do to help the Board put our district's new policy in place and to tell parents, teachers, students, staff and volunteers what the new policy means for the district, their school and themselves. You can reach me at [phone number] or [email].

Again, thank you for your service.

Sincerely,

Your name(s)

Students: Know Your Rights!

Seven things to know if you're being bullied or harassed in school:

1. In June 2009, the North Carolina Legislature passed and the Governor signed Senate Bill 526, the North Carolina School Violence Prevent Act. This law makes anti-bullying policies in North Carolina stronger.
2. You have the right to be yourself. Under the North Carolina School Violence Prevention Act, you are protected from bullying and harassment on the basis of your actual or perceived race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.
3. If you are having problems with bullying or harassment there is someone at your school you can talk to – this might be a teacher, a counselor, or an administrator such as your principal.
4. There is a process for reporting bullying and harassment at your school.
5. When you report bullying and harassment it's a good idea to keep notes with dates and descriptions of all the incidents and when you reported them.
6. No one deserves to be bullied or harassed. School is supposed to be a safe place for everybody. When it isn't, it is not your fault.
7. You can check out the resources page to find more information and connect with resources that can help you if you're being bullied or harassed or if you're seeing it happen.

Other Resources

North Carolina School Report Cards

<http://www.ncreportcards.org/src/>

Find information here on school districts, including school and district websites and contact information for principals and superintendents.

Department of Public Instruction

<http://www.dpi.state.nc.us/>

The North Carolina Department of Public Instruction is the agency charged with implementing the State's public school laws and the State Board of Education's policies and procedures governing pre-kindergarten through 12th grade public education.

Safe Schools North Carolina

<http://www.safeschoolsnc.com/>

Safe Schools NC is a statewide partnership of organizations and individuals dedicated to eliminating bullying, harassment, and discrimination on the basis of actual or perceived sexual orientation and gender identity in North Carolina Schools.

Teaching Tolerance

<http://www.tolerance.org/>

Founded in 1991 by the [Southern Poverty Law Center](#), Teaching Tolerance is dedicated to reducing prejudice, improving intergroup relations and supporting equitable school experiences for our nation's children.

GLSEN

<http://www.glsen.org>

The School Violence Prevention Act—Full Text

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-212
SENATE BILL 526

AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.

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

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

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

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

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

Whereas, the sole purpose of this law is to protect all children from bullying and harassment, and no other legislative purpose is intended nor should any other intent be construed from passage of this law; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Subchapter VI of Chapter 115C of the General Statutes is amended by adding a new Article to read:



"Article 29B."School Violence Prevention.**"§ 115C-407.5. Bullying and harassing behavior.**

(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

- (1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- (2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

(b) No student or school employee shall be subjected to bullying or harassing behavior by school employees or students.

(c) No person shall engage in any act of reprisal or retaliation against a victim, witness, or a person with reliable information about an act of bullying or harassing behavior.

(d) A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident to the appropriate school official.

(e) A student or volunteer who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior should report the incident to the appropriate school official.

"§ 115C-407.6. Policy against bullying or harassing behavior.

(a) Before December 31, 2009, each local school administrative unit shall adopt a policy prohibiting bullying or harassing behavior.

(b) The policy shall contain, at a minimum, the following components:

- (1) A statement prohibiting bullying or harassing behavior.
- (2) A definition of bullying or harassing behavior no less inclusive than that set forth in this Article.
- (3) A description of the type of behavior expected for each student and school employee.
- (4) Consequences and appropriate remedial action for a person who commits an act of bullying or harassment.
- (5) A procedure for reporting an act of bullying or harassment, including a provision that permits a person to report such an act anonymously. This shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
- (6) A procedure for prompt investigation of reports of serious violations and complaints of any act of bullying or harassment, identifying either the principal or the principal's designee as the person responsible for the investigation.
- (7) A statement that prohibits reprisal or retaliation against any person who reports an act of bullying or harassment, and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation.
- (8) A statement of how the policy is to be disseminated and publicized, including notice that the policy applies to participation in school-sponsored functions.

(c) Nothing in this Article shall prohibit a local school administrative unit from adopting a policy that includes components beyond the minimum components provided in this section or that is more inclusive than the requirements of this Article.

(d) Notice of the local policy shall appear in any school unit publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school unit and in any student and school employee handbook.

(e) Information regarding the local policy against bullying or harassing behavior shall be incorporated into a school's employee training program.

(f) To the extent funds are appropriated for these purposes, a local school administrative unit shall, by March 1, 2010, provide training on the local policy to school employees and volunteers who have significant contact with students.

"§ 115C-407.7. Prevention of school violence.

Schools shall develop and implement methods and strategies for promoting school environments that are free of bullying or harassing behavior.

"§ 115C-407.8. Construction of this Article.

(a) This Article shall not be construed to permit school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.

(b) This Article shall not be interpreted to prevent a victim of bullying or harassing behavior from seeking redress under any other available law, either civil or criminal.

(c) Nothing in this Article shall be construed to require an exhaustion of the administrative complaint process before civil or criminal law remedies may be pursued regarding bullying or harassing behavior.

(d) The provisions of this Article are severable, and if any provision of this Article is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of this Article which can be given effect without the invalid provision.

(e) The provisions of this Article shall be liberally construed to give effect to its purposes.

(f) Nothing in this act shall be construed to create any classification, protected class, suspect category, or preference beyond those existing in present statute or case law."

SECTION 2. This act is effective when it becomes law and applies, unless otherwise provided in G.S. 115C-407.6, as enacted by Section 1 of this act, beginning with the 2009-2010 school year.

In the General Assembly read three times and ratified this the 23rd day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 5:27 p.m. this 30th day of June, 2009