**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA DATING VIOLENCE PREVENTION POLICY ACT”; BY ADDING SECTION 59‑1‑490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE PREVENTION POLICY FOR USE BY SCHOOL DISTRICTS IN DEVELOPING POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE AMONG STUDENTS IN GRADES SIX THROUGH TWELVE, TO SPECIFY REQUIREMENTS OF THE POLICIES, TO PROVIDE ADDITIONAL REQUIREMENTS FOR SCHOOL DISTRICTS WITH RESPECT TO PUBLISHING THE POLICY AND PROVIDING NOTIFICATION OF THE POLICY AND COPIES OF THE POLICY TO PARENTS AND GUARDIANS OF STUDENTS IN THE DISTRICT, TO PROVIDE THAT THE ACT DOES NOT ALTER RELATED CRIMINAL OR CIVIL CAUSES OF ACTION OR REMEDIES, AND TO MAKE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE ACT CONTINGENT UPON AVAILABILITY OF FUNDING.

Whereas, the South Carolina General Assembly finds that when a student is a victim of dating violence, his or her academic life suffers and his or her safety at school is jeopardized; and

Whereas, the South Carolina General Assembly further finds that because all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence, a policy to create an environment free of dating violence among students in grades six through twelve must be present in each school district. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “South Carolina Dating Violence Prevention Policy Act”.

SECTION 2. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑490. (A) As used in this section:

(1) ‘At school’ means in a classroom, on or immediately adjacent to school premises, on a school bus or other school‑related vehicle, at an official school bus stop, or at a school‑sponsored activity or event whether or not it takes place on school grounds.

(2) ‘Dating partner’ means a person involved in a dating relationship of any duration with another.

(3) ‘Dating violence’ means a pattern of behavior in which one dating partner uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner, or who engages in stalking as defined in Section 16‑3‑1700(C).

(4) ‘Department’ means the South Carolina Department of Education.

(B) Before December 1, 2014, the department shall develop a model dating violence prevention policy to assist school districts in developing policies for reporting and responding to dating violence among students in grades six through twelve. This prevention policy must include, but may not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines for responding to at school incidents of dating violence, and disciplinary procedures specific to these incidents.

(C)(1) Before August 1, 2015, each school district shall establish a specific prevention policy to address incidents of dating violence involving students in grades six through twelve. Each school district annually shall verify with the department compliance with this provision, in a manner established by the department.

(2) To ensure notice of the school district’s dating violence prevention policy, that each district shall publish its dating violence prevention policy in all school district handbooks and any publications or locations on websites of the district and school that provide the rules, procedures, or standards of conduct for students at school.

(D) Each school district shall inform the students’ parents or legal guardians of the school district’s dating violence prevention policy. Upon request, the school district shall provide parents or legal guardians with a copy of the school district’s dating violence prevention policy and relevant information.

(E) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

(F) Implementation of the provisions of subsections (B), (C), and (D) are subject to the availability of funds for the purposes provided in those subsections.”

SECTION 3. This act takes effect upon approval by the Governor.

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