COMMITTEE REPORT

March 12, 2009

**S. 266**

Introduced by Senator Leventis

S. Printed 3/12/09--S. [SEC 3/16/09 9:49 AM]

Read the first time January 14, 2009.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 266) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑1‑490 so as to require the Department of Education to develop a model dating, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. The 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.

The General Assembly further finds that, subject to General Assembly appropriations, a policy to create an environment free of dating violence must be developed in each school district. It is the intent of the General Assembly to enact legislation requiring each school district to develop a policy for responding to incidents of dating violence. All students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence.

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) ‘Dating violence’ means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner.

(2) ‘Dating partner’ means a person, regardless of gender, involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

(3) ‘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 is on school grounds.

(B) The State Department of Education, in collaboration with the South Carolina Coalition Against Domestic Violence and Sexual Assault, shall develop a model dating violence policy to assist school districts in developing policies for dating violence reporting and response. The model policy must be developed on or before July 1, 2009.

(C)(1) Each school district shall develop a specific policy to address incidents of dating violence involving students at school by the 2010‑2011 school year. Upon implementation of the policy, each school district shall verify compliance with the department on an annual basis.

(2) This policy must include, but is not limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence, and discipline procedures specific to these incidents.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund of the State (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

A Cost of Federal and/or Other Funds (See Below)

**EXPLANATION OF IMPACT:**

The State Department of Education estimates the recurring fiscal impact to be $17,000. These costs consist of model development, policy dissemination, monitoring, and compliance verification. There would be no fiscal impact on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

The Department of Education estimates the cost to local school districts to be minimal assuming required dating violence training for district staff is integrated with other ongoing staff training and that student and parent training is conducted via the district’s website.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑490 SO AS TO REQUIRE THE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING SUCH POLICIES, TO REQUIRE THE POLICY TO BE PUBLISHED IN SCHOOL DISTRICTS AND SCHOOL HANDBOOKS, TO REQUIRE EACH DISTRICT TO PROVIDE DATING VIOLENCE TRAINING ANNUALLY TO ADMINISTRATORS, TEACHERS, NURSES, GUIDANCE COUNSELORS, AND SOCIAL WORKERS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM THE PARENTS OF STUDENTS OF THIS POLICY; AND BY ADDING SECTION 59‑32‑100 SO AS TO REQUIRE EACH SCHOOL DISTRICT ANNUALLY TO INCLUDE DATING VIOLENCE EDUCATION IN ITS COMPREHENSIVE HEALTH EDUCATION CURRICULUM, TO PROVIDE THAT THE DEPARTMENT SHALL REVIEW AND APPROVE GRADE LEVEL TOPICS RELATING TO DATING VIOLENCE AND HEALTHY RELATIONSHIPS; AND TO REQUIRE A SCHOOL, UPON REQUEST, TO PERMIT THE PARENT OR GUARDIAN OF A STUDENT TO EXAMINE THE DATING VIOLENCE EDUCATION PROGRAM INSTRUCTION MATERIALS.

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

SECTION 1. The 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.

The General Assembly further finds that a policy to create an environment free of dating violence must be a present in each school district. It is the intent of the General Assembly to enact legislation requiring each school district to establish a policy for responding to incidents of dating violence and to provide dating violence education to students, parents, staff, faculty and administrators, in order to prevent dating violence and to address incidents involving dating violence. All students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation and violence.

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) ‘Dating violence’ means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner.

(2) ‘Dating partner’ means a person, regardless of gender, involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

(3) ‘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 is on school grounds.

(B) The State Department of Education, in collaboration with the South Carolina Coalition Against Domestic Violence and Sexual Assault, shall develop a model dating violence policy to assist school districts in developing policies for dating violence reporting and response. The model policy must be issued on or before July 1, 2009.

(C)(1) Each school district shall establish a specific policy to address incidents of dating violence involving students at school by the 2010‑2011 school year. Each school district shall verify compliance with the department on an annual basis.

(2) This policy must include, but is not limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence, and discipline procedures specific to these incidents.

(3) To ensure notice of the school district’s dating violence policy, the policy must be published in all school and school district handbooks, or other publication on the school’s or school district’s website that sets forth the rules, procedures, or standards of conduct for students at school.

(D) Each school district shall provide dating violence training to all administrators, teachers, nurses, guidance counselors, and social workers of students in the sixth through twelfth grade. Upon the recommendation of the administrator, other staff may be included or may attend the training on a volunteer basis. The dating violence training shall include, but is not limited to, basic principles of dating violence, warnings signs of dating violence, and the school district’s dating violence policy. Thereafter, this training must be provided yearly to newly hired staff.

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

(F) 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.”

SECTION 3. Chapter 32, Title 59 of the 1976 Code is amended by adding:

“Section 59‑32‑100. (A)(1) Each school district annually shall include dating violence education that is age‑appropriate into the comprehensive health education curriculum for students in grades six through twelve.

(2) Dating violence education must include, but is not limited to, defining dating violence, recognizing dating violence warning signs, and characteristics of healthy relationships. Additionally, students must be provided with the school district’s dating violence policy as provided for in Section 59‑1‑490.

(3) For the purposes of this section:

(a) ‘Dating violence’ means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner.

(b) ‘Dating partner’ means a person involved in a intimate association with another primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

(c) ‘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 is on school grounds.

(4) To assist school districts in developing a dating violence education program, the State Department of Education shall review and approve the grade level topics relating to dating violence and healthy relationships.

(B) Upon written request to the school principal, a parent or legal guardian of a student must be permitted to examine the dating violence education program instruction materials at the school in which his or her child is enrolled.”

SECTION 4. This act takes effect upon approval by the Governor.

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