**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3435**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rivers, Jefferson, Gagnon, Hicks, W.J. McLeod, Merrill and R.L. Brown

Document Path: l:\council\bills\agm\18502ab15.docx

Introduced in the House on January 28, 2015

Currently residing in the House Committee on **Education and Public Works**

Summary: B.P. Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/28/2015 House Introduced and read first time ([House Journal‑page 9](file:///h:\HJ%20Archive\2015\01-28-15.docx))

1/28/2015 House Referred to Committee on **Education and Public Works** ([House Journal‑page 9](file:///h:\HJ%20Archive\2015\01-28-15.docx))

4/14/2015 House Member(s) request name added as sponsor: R.L.Brown

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**VERSIONS OF THIS BILL**

[1/28/2015](file:///p:\pprever\2015-16\3435_20150128.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “B.P. ACT”; TO AMEND SECTION 59‑63‑140, RELATING TO BULLYING PROHIBITION POLICIES ADOPTED BY SCHOOL DISTRICTS, SO AS TO PROVIDE THAT WHEN SCHOOL OFFICIALS DETERMINE THAT A STUDENT HAS COMMITTED A PROHIBITED ACT, THE SCHOOL SHALL NOTIFY HIS PARENT, GUARDIAN, OR ANOTHER ADULT WHO CONSENTS TO HAVING RESPONSIBILITY FOR THE STUDENT WITHIN ONE BUSINESS DAY, AND SHALL THEN MEET WITH THE STUDENT AND HIS PARENT, GUARDIAN, OR ANOTHER ADULT WHO CONSENTS TO HAVING RESPONSIBILITY FOR THE STUDENT WITHIN THREE BUSINESS DAYS AFTER THIS NOTICE IS GIVEN; TO PROVIDE THE STUDENT MUST BE SUSPENDED FROM SCHOOL UNTIL HE AND HIS PARENT, GUARDIAN, OR ANOTHER ADULT WHO CONSENTS TO HAVING RESPONSIBILITY FOR THE STUDENT AGREES TO ATTEND COUNSELING OFFERED OR APPROVED BY THE DISTRICT; TO PROVIDE THE DISTRICT SHALL MAKE COUNSELORS, SCHOOL PSYCHOLOGISTS, OR OTHER APPROPRIATE PERSONNEL CURRENTLY EMPLOYED OR CONTRACTED BY THE DISTRICT AVAILABLE FOR THIS COUNSELING; TO PROVIDE THE DISTRICT SHALL INFORM THE STUDENT AND HIS PARENTS, GUARDIANS, AND OTHER ADULTS WHO CONSENT TO HAVING RESPONSIBILITY FOR THE STUDENT THAT THE REQUIREMENTS PROSCRIBED BY THE COUNSELOR MUST BE MET OR THE STUDENT WILL BE EXPELLED; AND TO PROVIDE THE DISTRICT SHALL INFORM ANOTHER SCHOOL IN WHICH THE STUDENTS SEEKS TO ENROLL OF THE STUDENT’S MISCONDUCT AND FAILURE TO COMPLY WITH RELATED COUNSELING REQUIREMENTS.

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 “B.P. Act”.

SECTION 2. Section 59‑63‑140(B) of the 1976 Code, as added by Act 353 of 2006, is amended to read:

“(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; and

(11) a requirement that when school officials determine that a student has committed an act of harassment, intimidation, or bullying, the school officials shall notify his parent, guardian, or other responsible consenting adult within one business day. Within three business days after this notice is given, the student and his parent, guardian, or other responsible consenting adult must meet with a school counselor or other appropriate personnel designated by the school administration or the student will be expelled. The student must be suspended from school until he and his parent, guardian, or other responsible consenting adult agree to attend counseling that is either offered or approved by the school district. In addition, the local school district must:

(a) make counselors, school psychologists, or other appropriate personnel currently employed or contracted by the district available for counseling;

(b) inform the student, and parent, guardian, or other adult consenting to responsibility for the student that the requirements proscribed by the counselor must be met or the student will be expelled pursuant to the provisions of this article; and

(c) notify, in the event a student attempts to attend a school in another district while suspended or expelled, the receiving district about the student’s misconduct and failure to comply with related counseling requirements, if applicable, that resulted in his suspension or expulsion.”

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

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