**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “DOMESTIC VIOLENCE AWARENESS EDUCATION ACT” BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE BEFORE JANUARY 1, 2016, THE DEPARTMENT OF EDUCATION SHALL DEVELOP A MODEL DOMESTIC VIOLENCE AWARENESS CURRICULUM TO ASSIST SCHOOL DISTRICTS IN DELIVERING AGE‑APPROPRIATE INSTRUCTION ON THE SUBJECT OF DOMESTIC VIOLENCE TO ALL PUBLIC SCHOOL STUDENTS AND TO PROMOTE AWARENESS OF DOMESTIC VIOLENCE IN ALL PUBLIC SCHOOLS, TO PROVIDE THE DEPARTMENT ALSO SHALL DEVELOP A MODEL DOMESTIC VIOLENCE POLICY TO ASSIST SCHOOLS IN DEVELOPING AND IMPLEMENTING POLICIES FOR THE MANNER IN WHICH STUDENTS AND EMPLOYEES MAY REPORT A SUSPECTED INCIDENT OF DOMESTIC VIOLENCE, AND TO PROVIDE THE DEPARTMENT ALSO SHALL DEVELOP GUIDELINES AND MATERIALS FOR CONTINUING EDUCATION CONCERNING DOMESTIC VIOLENCE FOR SCHOOL FACULTIES AND ADMINISTRATORS; TO PROVIDE THAT BEFORE JULY 1, 2016, ALL SCHOOL DISTRICTS SHALL IMPLEMENT DOMESTIC VIOLENCE AWARENESS CURRICULUMS, POLICIES, AND CONTINUING EDUCATION FOR TEACHERS AND ADMINISTRATORS BASED ON THE CURRICULUM AND POLICIES DEVELOPED BY THE DEPARTMENT; TO PROVIDE THAT BEGINNING JANUARY 1, 2017, AT LEAST ONE CREDIT OF CONTINUING EDUCATION IN DOMESTIC VIOLENCE DEVELOPED PURSUANT TO THIS SECTION ANNUALLY MUST BE COMPLETED BY TEACHERS AND APPROPRIATE STAFF, AND TO PROVIDE THAT AN EDUCATOR WHO HOLDS A PROFESSIONAL CERTIFICATE MAY USE THESE CREDITS TO SATISFY CREDENTIAL RENEWAL REQUIREMENTS; TO AMEND SECTION 63‑7‑370, RELATING TO DOMESTIC VIOLENCE OPTIONAL REPORTING FOR LAW ENFORCEMENT IN THE CHILDREN’S CODE, SO AS TO MAKE REPORTING MANDATORY, TO EXPAND THE PERSONS REQUIRED TO REPORT, AND TO PROVIDE THE DEPARTMENT OF SOCIAL SERVICES SHALL TREAT THE CASE AS A SUSPECTED REPORT OF ABUSE AND SHALL INVESTIGATE THE CASE AS IN OTHER ALLEGATIONS OF ABUSE IN ORDER TO DETERMINE IF THE CHILD HAS BEEN ABUSED PHYSICALLY OR PSYCHOLOGICALLY; AND TO REPEAL SECTION 59‑1‑475 RELATING TO EXISTING DOMESTIC VIOLENCE CONTINUING EDUCATION REQUIREMENTS, EFFECTIVE JULY 1, 2016.

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 “Domestic Violence Awareness Education Act”.

SECTION 2. Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Article 5

Domestic Violence Awareness Education

Section 59‑29‑610. (A) As used in this chapter:

(1) ‘Domestic violence’ means the criminal offense provided in Section 16‑25‑20, which provides, among other things, that it is unlawful to:

(a) cause physical harm or injury to a person’s own household member; or

(b) offer or attempt to cause physical harm or injury to a person’s own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.

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

(3) ‘Household member’, within the context of criminal domestic violence, has the same meaning as Section 16‑25‑10, which includes:

(a) a spouse;

(b) a former spouse;

(c) persons who have a child in common; or

(d) a male and female who are cohabiting or formerly have cohabited.

Section 59‑29‑620. (A)(1) Before January 1, 2016, the department shall develop a model domestic violence awareness curriculum to assist school districts in delivering age‑appropriate instruction on the subject of domestic violence to all students in kindergarten through twelfth grade concerning:

(a) the nature, extent, and causes of domestic and family violence;

(b) issues of domestic and family violence concerning children, with particular emphasis on the psychological impact of experiencing or witnessing domestic violence and the impact of the diminished ability of an abused household member to provide proper care for a child;

(c) prevention of the use of violence by children;

(d) sensitivity to gender bias and cultural, racial, and sexual issues;

(e) the lethality of domestic and family violence;

(f) legal issues relating to domestic violence and child custody;

(g) appropriate responses to reports or other indications of domestic violence, including the importance of identifying and reporting incidents of domestic violence to law enforcement and appropriate school officials, including an administrator and counselor, and situations in which making this report is required by law; and

(h) the intersection of domestic violence and dating violence and the impact of violence in a dating relationship resembling domestic violence.

(2) Before January 1, 2016, the department shall develop a model domestic violence policy to assist schools in developing and implementing policies for the manner in which students and employees of the district may report a suspected incident of domestic violence. The policy shall make district employees aware of their legal obligations to report such incidents, and shall encourage students to report such incidents. A policy should include the prominent display throughout the school of contact information and an assurance that the identity of a person who makes a report be kept confidential.

(B)(1) Before July 1, 2016, each school shall adopt for implementation beginning with the 2016‑2017 school year, a:

(a) curriculum for domestic violence awareness instruction for all students based on the curriculum developed by the department in item (A)(1); and

(b) policy for responding to domestic violence based on the model policy developed by the department in item (A)(2).

(2) To ensure notice of the school district’s domestic violence awareness policy, the policy must be published in school and school district handbooks or any publications on the school or district website that provide the rules, procedures, or standards of conduct for students at school.

(C) Each school district shall inform the students’ parents or legal guardians of the school district’s domestic violence awareness policy. Upon request, the school district shall provide parents or legal guardians with a copy of the school district’s domestic violence awareness policy and relevant information, including the contact information for making reports.

(D) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal.

Section 59‑29‑630. (A) Before January 1, 2016, the department shall develop guidelines and materials for continuing education concerning domestic violence that covers the criteria in Section 59‑29‑620(A)(1)(a) through (h).

(B) Before July 1, 2016, each school district shall adopt a curriculum for continuing education on domestic and family violence for teachers and appropriate staff based on the guidelines and materials developed by the department pursuant to subsection (A) which must be submitted to the department for approval. Online classes developed or approved by the South Carolina Coalition Against Domestic Violence and Sexual Assault or a similar organization may be used as part of this curriculum, subject to approval by the department.

(C) Beginning January 1, 2017, at least one credit of continuing education in domestic violence developed pursuant to this section annually must be completed by teachers and appropriate staff. An educator who holds a professional certificate may use these credits to satisfy credential renewal requirements.”

SECTION 3. Section 63‑7‑370 of the 1976 Code is amended to read:

“Section 63‑7‑370. ~~The law enforcement officer upon receipt of a report of domestic violence may report this information to the Department of Social Services.~~ A physician, nurse, dentist, optometrist, medical examiner or coroner, or an employee of a county medical examiner’s or coroner’s office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, judge, or a volunteer nonattorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA shall report in accordance with this article when in the person’s professional capacity the person has received information which gives the person reason to believe that a child has been or may have been subject to domestic violence, including living in a household in which domestic violence occurs. Law enforcement and the department ~~may~~ shall treat the case of domestic violence as a suspected report of abuse and ~~may~~ shall investigate the case as it would in other allegations of abuse ~~in order~~ to determine if the child has been ~~harmed~~ physically or psychologically abused.”

SECTION 4. Section 59‑1‑475 of the 1976 Code is repealed effective July 1, 2016.

SECTION 5. This act takes effect upon approval by the Governor.

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