**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 PROCEDURES FOR RESPONDING TO AND REMEDIATING ALLEGATIONS OF BULLYING, AND TO REQUIRE AN APPEALS PROCEDURE.

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~~7) consequences and appropriate remedial action for persons found to have falsely accused another;

(~~9~~8) a process for discussing the district’s harassment, intimidation, or bullying policy with students; ~~and~~

(~~10~~9) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school‑sponsored functions;

(10) procedures for responding to reports of harassment, intimidation, or bullying, which must provide:

(a) the school principal or a superintendent’s designee shall:

(i) immediately investigate and respond to allegations of bullying behavior;

(ii) keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report alleged and substantiated incidents to the superintendent;

(iii) inform parents or guardians of the student who is alleged to have bullied and of the student who was believed to have been bullied that a report of an alleged incident of bullying has been made, and whether their child is alleged to have bullied or been bullied in the incident;

(iv) communicate to the parents or guardians of a student who was believed to have been bullied the measures being taken to ensure the safety of that student and to prevent further acts of bullying;

(v) inform parents or guardians of the students involved the findings of the investigation and actions to be taken; and

(vi) communicate with local or state law enforcement agency if it’s believed that the pursuit of criminal charges or a civil action may be appropriate; and

(11) procedures for remediation, which must provide the school principal or a superintendent’s designee shall:

(a) identify the specific natures of the incident;

(b) apply disciplinary actions, which may include but are not limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to students who engage in bullying behavior, school administrators should consider the type of behaviors, the frequency and any pattern of behaviors, and other relevant circumstances. Alternative discipline includes, but is not limited to:

(i) meeting with the student and the student’s parents/guardian;

(ii) reflective activities, such as requiring the student to write an essay about the student’s misbehavior;

(iii) mediation, but only when there is mutual conflict between peers, rather than one‑way negative behavior, and both parties voluntarily choose this option;

(iv) counseling;

(v) anger management;

(vi) health counseling or intervention;

(vii) mental health counseling;

(viii) participation in skills building and resolution activities, such as social‑emotional cognitive skills building, resolution circles and restorative conferencing;

(ix) community service; and

(x) in‑school detention or suspension, which may take place during lunchtime, after school or on weekends; and

(c) remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator, or other involved person to counseling or other appropriate services; and

(12) procedures for appealing a decision of a school principal or a superintendent’s designee related to taking or not taking remedial action in accordance with this policy, which must include providing notice to parents, guardians, and students of the right to appeal. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent.”

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

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