COMMITTEE REPORT

April 28, 2009

**H. 3543**

Introduced by Reps. Brady and Mitchell

S. Printed 4/28/09--H.

Read the first time February 17, 2009.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3543) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑1‑490 so as to require the State Department of Education to develop a model, 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 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.

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 in which one person 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).

(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 takes place on school grounds.

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

(B) On or before December 1, 2009, the department shall develop a model dating violence policy to assist school districts in developing policies for reporting and responding to dating violence among students in grades six through twelve. This 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) By the beginning of the 2010‑2011 school year, each school district shall establish a specific 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 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.

(D) 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 parents or legal guardians with a copy of the school district’s dating violence 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) The provisions of subsections (B), (C), and (D) of this section 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./

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Department of Education (SDE) indicates that this bill will have no fiscal impact.

*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 STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

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 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 must be present in each school district.

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 in which one person 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).

(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 takes place on school grounds.

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

(B) On or before December 1, 2009, the department shall develop a model dating violence policy to assist school districts in developing policies for reporting and responding to dating violence. This policy must include, but is not 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) By the beginning of the 2010‑2011 school year, each school district shall establish a specific policy to address incidents of dating violence involving students. 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 policy, the policy must be published in school and school district handbooks or any publications on the school or district website that provides the rules, procedures, or standards of conduct for students at school.

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

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

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