**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3328**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McDaniel and Cobb‑Hunter

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Introduced in the House on January 12, 2021

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

Summary: Harassment and bullying reports

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Education and Public Works**

1/12/2021 House Introduced and read first time ([House Journal‑page 159](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 159](file:///h:\hj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3328_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑63‑155 SO AS TO PROVIDE SCHOOL ADMINISTRATORS QUARTERLY SHALL COMPILE AND REPORT INCIDENTS OF HARASSMENT, INTIMIDATION, AND BULLYING TO THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE RELATED REQUIREMENTS OF THE DEPARTMENT, AND TO PROVIDE PENALTIES FOR NONCOMPLIANCE; TO AMEND SECTION 59‑63‑130, RELATING TO MANDATORY REPORTING OF CONDUCT PROHIBITED UNDER THE SAFE SCHOOL CLIMATE ACT, SO AS TO PROVIDE PENALTIES FOR NONCOMPLIANCE; AND TO AMEND SECTION 59‑63‑150, RELATING TO REMEDIES AND IMMUNITIES UNDER THE SAFE SCHOOL CLIMATE ACT, SO AS TO IMPOSE STRINGENT PENALTIES FOR NONCOMPLIANCE.

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

SECTION 1. Article 2, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑155. (A) Before January 1, 2022, the State Department of Education shall develop a standard form which then must be used by all school districts in the State to report incidents of harassment, intimidation, and bullying on property of the school or at school‑sanctioned extracurricular activities not on the property of the school. The form must define what constitutes harassment, intimidation, or bullying activity required to be reported consistent with the definition in Section 59‑63‑120 and must provide for the collection of information concerning the incident including, but not limited to, the:

(1) description of the harassment, intimidation, or bullying incident;

(2) whether the incident also was reported as a crime as required by this section;

(3) age and sex of offender and whether the offender is a student, and if the offender is a student, age and sex of the victim and whether the victim is a student, and if the victim:

(a) is a student, whether he attended the school where the crime occurred or a different school; and

(b) is not a student, whether he was employed at the school and, if so, in what capacity;

(4) age and sex of the victim and whether the victim is a student, and if the victim:

(a) is a student, whether he attended the school where the crime occurred or a different school; and

(b) is not a student, whether he was employed at the school and, if so, in what capacity;

(5) where, at what time, and under what circumstances the incident occurred;

(6) the cost of the incident to the school and to the victim;

(7) whether the person who reported the incident was the victim, another student, a teacher or staff member, a visitor to the school, or anonymous; and

(8) what action was taken by the school administration.

(B)(1) On forms prepared and supplied by the State Department of Education, each school district in the State quarterly shall compile and report to the department all incidents of harassment, intimidation, or bullying on property of the school or at school‑sanctioned extracurricular activities not on the property of the school. The first report is due May 1, 2022, and will cover the first quarter of 2022. Subsequent reports are due quarterly thereafter, each being due thirty days after the end of the reporting period.

(2) The department shall compile the information received from the districts and annually, no later than January thirty‑first of the year following the districts’ final quarterly reports of the school year, make a report to the General Assembly on the findings. In addition, the department shall, upon receipt, forward all information concerning such incidents to the Office of the Attorney General. The Attorney General shall use this information in the supervision of the prosecution of school crime. If any state agency or law enforcement agency determines that a school or district has failed to timely report an incident as required in this subsection, the agency shall report the findings to the Office of the Attorney General, who shall publish the findings on its Internet website.

(C) A school administrator who fails to report an incident of harassment, intimidation, or bullying on the property of the school or at school‑sanctioned extracurricular activities not on the property of the school as provided in this section or who otherwise fails to comply with the provisions of this section subjects:

(1) the administrator and the school district to liability for payment of a party’s attorney’s fees and the costs associated with an action to seek a writ of mandamus to compel the administrator and school district to comply with the provisions of this section; and

(2) the administrator to a fine of five hundred dollars for each unreported incident and to disciplinary actions.”

SECTION 2. Section 59‑63‑130(B) of the 1976 Code is amended to read:

“(B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official or is subject to the provisions of Section 59‑63‑150(B) and (C).”

SECTION 3. Section 59‑63‑150 of the 1976 Code is amended to read:

“Section 59‑63‑150. (A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability.

(B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district’s policy, and who makes this report in compliance with the procedures in the district’s policy, is immune from a cause of action for damages arising from failure to remedy the reported incident. A school employee who fails to promptly report an incident of harassment, intimidation, or bullying to the appropriate school official is subject to:

(1) a fine of one hundred dollars;

(2) in the case of a nonteacher, is subject to discipline for misconduct; and

(3) in the case of a teacher, is guilty of unprofessional conduct subject to the provisions of Section 59‑25‑530.

(C) A student, other than the victim, who fails to report promptly an incident of harassment, intimidation, or bullying to a school employee is subject to discipline pursuant to the provisions of Article 3.”

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

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