



Public Schools of North Carolina  
State Board of Education  
Department of Public Instruction

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# Report to the Joint Legislative Education Oversight Committee

*Final Report: Study of Anti-violence Education  
in Schools and Training for School Personnel*

*Session Law 2004-186*

*House Bill 1354 (Section 3)*

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**DEPARTMENT OF PUBLIC INSTRUCTION  
HOUSE BILL 1354**

**FINAL REPORT**

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## **EXECUTIVE SUMMARY**

### **A STUDY OF HOUSE BILL 1354 THE STATE BOARD OF EDUCATION THE NORTHCAROLINA DEPARTMENT OF PUBLIC INSTRUCTION**

The General Assembly ratified House Bill 1354 which is

**AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE.**

The act was passed July 15, 2004 and signed on August 12, 2004. This bill became law through the work of the House Select Committee on Domestic Violence and the initiatives of many other policy-makers and practitioners in this field. Section 3.1 and Section 3.2 of the legislation identify responsibilities for the State Board of Education and the North Carolina Department of Public Instruction (DPI). Representatives from stakeholder agencies, organizations and groups partnered with DPI and the State Board in developing a strategic to fulfill the mission that has been delegated through this legislation.

House Bill 1354 directs "The North Carolina Department of Public Instruction (NCDPI), in collaboration with the State Board of Education (SBE), to study the issue of anti-violence programs in the schools, and appropriate training for school personnel dealing with students who are victims of physical violence and mental or verbal abuse, particularly instances of domestic violence and relationship violence."

In pursuit of fulfilling these directives of the legislation, the Department of Public Instruction, Alternative and Safe Schools/Instructional Support Section under the guidance of the Director of School Improvement have completed or are in the process of completing the following steps:

1. Convened a House Bill 1354 Planning Committee;
2. Sent surveys to each Local Education Agency to identify available resources;
3. Reviewed each of the LEA Safe and Drug Free Schools and Communities Applications;
4. Established a House Bill Study Group with participants from various agencies and community organizations;
5. Reviewed research on anti-violence and domestic violence programs;
6. Provided a historical overview of the domestic violence-related issues discussed throughout the progress and phases of this work being signed into legislation;
7. Briefed the committee on current research trends and models of implementation for training;
8. Discussed effective programs and curriculum areas that are currently being implemented in the schools; and
9. Developed a plan to address the requirements identified in the House Bill and continued to expand the study group to include individuals who are able to provide assistance in the framing of the process, developing the procedures and affecting the outcome of the final report.

The DPI House Bill Study Group has had quality in-depth discussions and productive subgroup work sessions during the meetings held. The work of the DPI House Bill 1354 Study Group will continue to address each of the items outlined in the Bill in order to provide guidance pertaining to the issue of anti-violence and domestic violence program training.

This Final Report includes a list of the study group meeting participants, data gathered as a result of the LEA survey questionnaire, information gathered as a result of reviewing existing curricula and other related materials, and a chart of programs currently being implemented throughout the State. This report will be presented to the State Board of Education in December and to the Legislative Education Oversight Committee on January 15, 2005.

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In pursuit of fulfilling these directives of the legislation, the Alternative and Safe School/Instructional Support Section under the guidance of the Director of School Improvement did the following:

Sent surveys to each school district to identify what resources are available and how those resources are being utilized in a manner that could affect domestic violence issues. The following survey questions were developed from the list of questions in Section 3.1 and Section 3.2.

- How are schools currently addressing anti-violence in their curriculum?
- How do current curriculums vary at each grade level, K-12?
- Do currently used curriculums address physical violence and mental or verbal abuse, particularly instances of domestic and relationship violence?
- Should the State require every public school to have an anti-violence program of Instruction incorporated into the curriculum?
- Should an anti-violence program be required at every grade level?
- What would be an appropriate curriculum for each grade level?
- What minimum requirements should be present in an appropriate curriculum to ensure that the curriculum addresses physical violence, mental or verbal abuse, and domestic and relationship violence?
- Should the State implement a particular anti-violence curriculum or allow individual schools to choose an appropriate curriculum from an approved list?
- What is the fiscal impact of implementing an anti-violence program for all schools, including additional staffing needs, if any?

Each question was asked in a manner that sought to elicit the intent and spirit of each question and to provide a more accurate reflection of the status of anti-violence programs at each educational level. The surveys were sent to each of the one-hundred and fifteen school districts. The rate of response was significant enough for the State to develop a consensus about what is happening across the State as it relates to the issue of anti-violence programs.

Organized and convened an initial committee with several participants from various venues to study and respond to the legislative mandates. This group decided to expand to become the ad hoc committee for this study. The ad hoc committee was established to inform DPI and to enlarge its understanding of the prevailing issues involved. Representatives were identified from agencies, services and programs that provided support through resources, advocacy, or services to this area.

For the committee's second meeting, the membership had been greatly expanded to reflect the goals of the original members to form a very broad and diverse range of representatives from many support agencies, programs and service providers. The complete list of participants, along with acknowledgements, can be reviewed in the attachments. This second meeting provided an historical overview of domestic violence as it progressed through various phases to become the legislation that it is today. Also, the committee was briefed on current research trends and models of implementation for training and empowering more individuals to have an effective understanding of and response to this subject. During this time, the committee also discussed effective programs and curriculum that do or may lend themselves to effective education and training in the area of anti-violence and anti-domestic violence.

The third meeting of the ad hoc committee focuses on paring down the breath of information that was available to the committee. This paring down of information allowed for more specificity in determining what was relevant in the ordering of the information that is included in this preliminary report on House Bill 1354.

The committee also developed a plan of action to address the requirements laid out in the bill and identified additional stakeholders that needed to have input into the framing of the process, procedures and the ultimate outcome of the agency's efforts. Additionally it reviewed various curriculum and resources that are available at the State and local levels.

Additionally, the committee members participated in break-out sessions for more in-depth discussion and processing of available data developed the format, organization and substance of the study and defined the next steps and follow-up strategies.

This group has had in-depth communication through several meetings and written correspondence. Specifically, the task of the ad hoc committee was to share historical data and background information, to assist DPI in charting a course, and to examine the following:

- House Bill 1354 Legislation, particularly Sections 3.1 and 3.2;
- Survey format and responses;
- Counseling Curriculum;
- Charter Education Curriculum;
- Healthful Living Curriculum; (Curricula were identified and reviewed for the core components that may have a direct or indirect relationship to the issue of domestic violence); and
- Second Step Program and other research based program.

The Department of Public Instruction consulted with the Center for Child and Family Policy at Duke University to assist in compiling the various streams of information used in this report. This data will be presented to the Legislative Education Oversight Committee and the General Assembly in depth, outlining the various curriculums, programs, services and resources that currently exist in our schools.

## **House Bill 1354**

### **Local Education Agency Survey Findings**

As part of House Bill 1354 to strengthen domestic violence laws, the North Carolina Department of Public Instruction in collaboration with the State Board of Education was charged with studying “the issue of anti-violence programs in schools, including looking at curriculums that address physical violence and mental or verbal abuse, and domestic and relationship violence...” The questions DPI was asked to address were the following:

- 1. How are schools currently addressing antiviolence in their curriculum?*
- 2. How do current curriculums vary at each grade level?*
- 3. Do currently used curriculums address physical violence and mental or verbal abuse, particularly instances of domestic and relationship violence?*
- 4. Should the State require every public school to have an antiviolence program of instruction incorporated into the curriculum?*
- 5. Should an antiviolence program be required at every grade level?*
- 6. What would be an appropriate curriculum for each grade level?*
- 7. What minimum requirements should be present in an appropriate curriculum to ensure that the curriculum addresses physical violence, mental or verbal abuse, and domestic and relationship violence?*
- 8. Should the state implement a particular antiviolence curriculum or allow individual schools to choose an appropriate curriculum from an approved list?*
- 9. What is the fiscal impact of implementing an antiviolence program for all schools, including additional staffing needs, if any?*

To address these questions, DPI surveyed all 115 Local Education Agencies (LEAs) about the antiviolence efforts they were implementing. Surveys were sent to the Safe and Drug Free Schools coordinator at each LEA, although an individual other than this person may have completed it. The Center for Child and Family Policy at Duke University was retained by DPI to analyze responses to this survey. The findings are presented in the pages below.

*Because of the limited time that LEAs had to complete the survey, a number of surveys were incomplete and there was substantial variability in the thoroughness of the survey responses. Thus, to provide a more complete account of school-based antiviolence programs, we also examined data contained in the Safe and Drug Free Schools applications that were submitted by LEAs last June. These applications contain information about violence prevention activities that LEAs intended to implement and is relevant to questions 1, 3, 5, and 9 listed above. In addition, we examined the content of several of the antiviolence curriculums that LEAs report using to determine whether they address issues that are specific to domestic and/or relationship violence. The information obtained from the applications is described in italics.*

## **Survey Results**

Response rate - Ninety-five of the 115 LEAs completed surveys, a response rate of 83%. Eighty-eight of the 95 LEAs who responded (i.e., 93%) indicated that their schools were currently addressing antiviolence in their curriculum; 7 LEAs indicated that they were not addressing antiviolence in their curriculums.

*Safe and Drug Free School applications were reviewed for 99 of the 115 LEAs (this is the total number that were received from DPI. Consistent with data from the surveys, the vast majority of LEAs (i.e., 93%) indicated in their application that they were implementing at least one violence prevention program. The number of antiviolence programs reported by the LEAs ranged from 0 to more than 7. The modal number of antiviolence programs reported was 3, a figure given by over 43% of the LEAs. These programs, however, may not include all antiviolence programs because the LEAs are only reporting programs funded with Safe and Drug Free School money.*

### **1. How are schools currently addressing antiviolence in their curriculum?**

Among the 88 LEAs reporting antiviolence programs, 57 reported using a specific antiviolence program/curriculum (e.g. Second Step) in at least one grade level. Thirty-eight LEAs reported using Character Education and/or Healthful Living as a component of their antiviolence efforts. (Note: Some LEAs reported that they used a specific program/curriculum and Character Education and/or Healthful Living.) While LEAs report using specific anti-violence programs, the survey did not request that they provide information on how these programs are implemented. Existing research indicates that the effectiveness of these programs is affected by program fidelity, i.e., how faithful the implementation is to the program model.

LEAs reported using a wide array of antiviolence programs at elementary, middle, and secondary school levels. A summary of these programs can be found in Appendix A. As seen in Appendix A, Character Education was the most frequently reported method of addressing violence; this approach was noted by 26, 20, and 15 LEAs at the elementary, middle, and secondary school levels respectively. For elementary and middle schools, Second Step was the next most frequently reported antiviolence program, and was reported by 16 and 11 LEAs respectively. Other more frequently reported programs included Get Real About Violence and Peer Mediation.

Although the programs/approaches noted above were reported by multiple LEAs, it is clear that no specific program or curriculum is reported by a majority of LEAs. Efforts being made to address violence in schools across the state are thus extremely diverse.

*Information on how LEAs are addressing antiviolence that was contained in the Safe and Drug Free School applications was highly consistent with the above. Once again, Character Education was the most frequently reported program for addressing violence, no single program was reported by the majority of LEAs, and a large number of programs were reported by only a single LEA. Thus, this information provides confirmation of the diverse efforts that LEAs are making to provide antiviolence education to students.*

In addition to the specific antiviolence efforts indicated in Appendix A, it is important to note that Positive Behavioral Support (PBS) programs are being used in at least 27 elementary schools and are being considered for adoption by 4 additional school districts. PBS is an evidence-based program that provides a whole school process for teaching socially appropriate behaviors in order to optimize

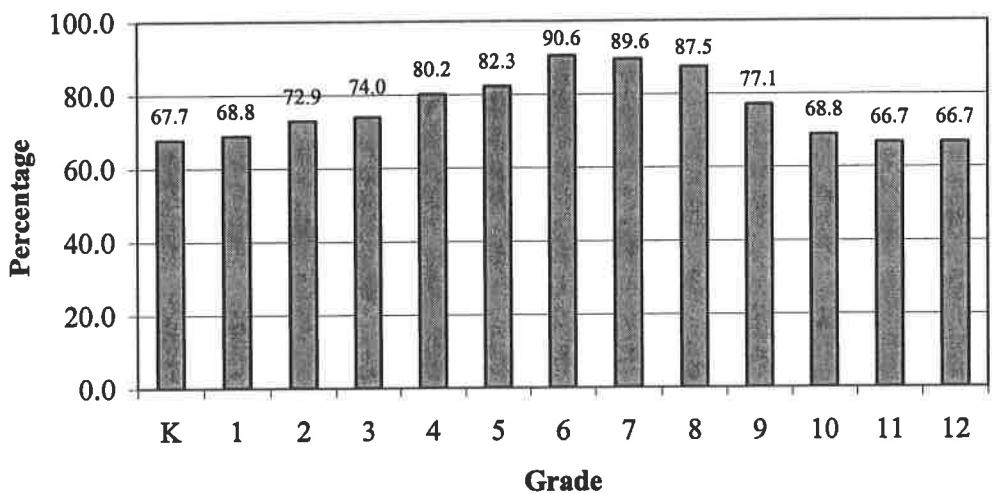
academic achievement for each student. Positive Behavioral Support Programs can be integrated with Safe School Plans and Character Education. Whole School Positive Behavioral Support is a systematic approach that establishes and reinforces clear behavioral expectations. It is a team-based system involving the entire school staff and must have the ownership of teachers, administrators, families, and students. The school staff must adopt a common approach to discipline that is proactive, instructional, and outcome-based. Data about the school is used to guide decision-making. The school team looks at the entire school campus and the whole school day.

## *2. How do current curriculums vary at each grade level?*

Specific information on how antiviolence programs vary by grade was not provided in the survey. Based on the programs reported for elementary, middle, and secondary schools, however, 64% of LEAs report that they use antiviolence programs that vary by grade while only 17% indicated that they use the same program across all grade levels. Even when the same program is being implemented across grades, however, it is quite likely that program content would be tailored to the developmental level appropriate for different grades. For example, topics addressed in the Character Education curriculum vary by grade level. Positive behavior support programs are whole school interventions that work across all grade levels.

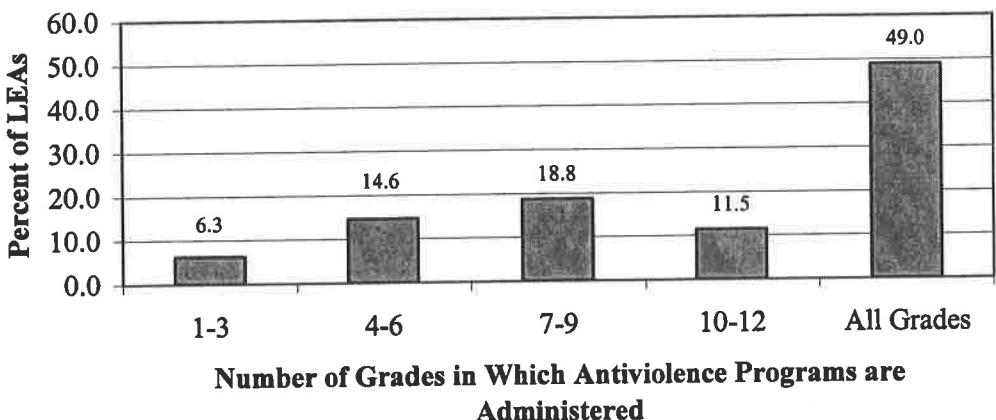
*Information gleaned from the Safe and Drug Free Schools applications provides additional data on the grade levels at which antiviolence programming is being implemented. Table 1 below shows the percentage of LEAs who reported planning to implement an antiviolence program at each grade level using funding obtained from the Safe and Drug Free Schools program. For example, nearly 68% of LEAs were planning to support an antiviolence program for kindergarteners. The percent of LEAs implementing antiviolence efforts at each grade level rises steadily across the elementary school grades, peaks with the transition to middle school, and then declines gradually through the end of high school.*

**Table 1 - Percentage of LEAs with an Antiviolence Program at Each Grade Level**



*Data from the Safe and Drug Free School applications can also be used to determine the number of grades across K-12 that LEAs are implementing antiviolence programming. Table 2 on the following page shows the percentage of LEAs that report implementing antiviolence programming in 3 or fewer grades, 4-6 grades, 7-9 grades, 10-12 grades, and all grade levels. As can be seen, almost half of the LEAs reported plans to implement antiviolence programming across all grade levels and fewer than 10% report antiviolence efforts in only 3 or fewer grades.*

**Table 2 - Percentage of LEAs Implementing Antiviolence Programs at Multiple Grade Levels**



**3. Do currently used curriculums address physical violence and mental or verbal abuse, particularly instances of domestic and relationship violence?**

Responses to this question do not permit a clear determination of the specific forms of violence that LEAs are addressing in their antiviolence programming. Sixty-nine percent of LEAs reported addressing at least one of these forms of violence. Only 8% of LEAs provided any indication that they specifically address domestic violence and 7% report that they specifically address relationship violence. It is not possible, however, to know with certainty whether the remaining LEAs are not addressing these forms of violence, or merely neglected to include this detailed information in their response. In addition, even for those few LEAs that specifically indicated that they address domestic and/or relationship violence, Specific details about the programs were not provided.

*Data contained in the Safe and Drug Free School applications was of limited value in understanding the extent to which domestic violence and relationship violence are currently being addressed by LEAs. Only 14 LEAs indicated that they specifically address issues pertaining to domestic violence, and only a single LEA specifically noted that relationship/dating violence issues were addressed. The LEAs who reported addressing domestic or dating violence, and the programs used are shown in Table 3 on the following page.*

**Table 3- LEAs who specifically reported addressing domestic violence<sup>1</sup>**

<sup>1</sup> This list is based on the DPI survey, the Safe and Drug Free School applications, and non-systemic contact with school district personnel and domestic violence organizations.

<i>LEA</i>	<i>Program Addressing Domestic Violence/Dating Violence</i>
<i>Alamance-Burlington Schools</i>	<i>Child Abuse Puppet Show</i> <i>Domestic Violence Awareness</i>
<i>Burke Co.</i>	<i>Health Curriculum</i>
<i>Camdon Co.</i>	<i>Delta</i>
<i>Craven Co.</i>	<i>Resolve</i>
<i>Dare Co.</i>	<i>Presentations from Domestic Violence Specialists</i>
<i>Davie Co.</i>	<i>Family Life Curriculum</i>
<i>Elizabeth City</i>	<i>Delta</i>
<i>Jackson Co.</i>	<i>Dating violence within Healthful Living and Character Education</i>
<i>New Hanover Co.</i>	<i>Delta</i>
<i>Pitt Co.</i>	<i>Faculty Training</i>
<i>Vance Co.</i>	<i>Resolve</i>
<i>Wake Co.</i>	<i>Interact</i>
<i>Warren Co.</i>	<i>Health Curriculum</i>
<i>Watauga Co.</i>	<i>Integrated program within Healthful Living</i>

*It is important to emphasize that neither the LEA survey nor the Safe and Drug Free Schools applications were constructed in a manner that enables accurate information about how LEAs are, or are not, addressing domestic and relationship violence issues to be compiled. LEAs were not asked specifically about efforts being made to address these forms of violence; the relative absence of information about programs to address these types of violence does not necessarily mean that such programs are not being implemented. Instead, it may reflect the fact that the person completing the LEA survey and Safe and Drug Free School application was unaware of efforts that were being made in these areas. Or, they may have neglected to provide information about the specific forms of violence because they were not explicitly asked about them.*

*As a result, the data currently available to DPI is not sufficient to understand whether and how issues pertaining to domestic and relationship violence are being addressed by LEAs. Obtaining more complete and detailed information about this would require a second survey that deals more explicitly with these issues. In the absence of such an additional survey, no definitive statements are possible. We would note, however, that based on a review of the Character Education curriculum available on the DPI website, it does not appear that issues directly pertaining to domestic violence or relationship/dating violence are covered in this curriculum. This is noteworthy, because Character Education was the program most frequently reported by the LEAs as being part of their antiviolence efforts. In addition, there is also no indication that domestic violence issues are specifically addressed in the Healthful Living curriculum, nor was domestic violence specifically addressed in any of the antiviolence curriculums reported by the LEAs that we were able to examine (e.g., Second Step, Get Real About Violence, Steps to Respect, Lion's Quest, Make time to Listen, Take Time to Talk). The Healthful Living curriculum, however, includes "Formulating Principles for Healthful Dating Relationships" as a competency goal for grades 9-12.*

*4. Should the State require every public school to have an antiviolence program of instruction incorporated into the curriculum?*

Responses to this question are shown below.

- 57% - Yes
- 34% - No
- 4% - Maybe
- 4% - Don't know

These results are somewhat surprising in that just over one-third of LEAs indicate that incorporating antiviolence education should not be required. What is unclear, however, is whether the LEAs responding negatively were 1) objecting to the state requiring this; 2) objecting to antiviolence education being integrated into the existing curriculum rather than being implemented as "stand alone" programs; or, 3) do not feel that incorporating antiviolence instruction should be part of students' education. Additional follow up with the LEAs would be required to resolve this uncertainty.

In considering whether the state should require every public school to have an antiviolence program of instruction incorporated into the curriculum, it should be recognized that this is already required for all LEAs that receive Safe and Drug-Free school funding. Title IV, Part A, Subpart 1 of the federal Safe and Drug-Free Schools and Communities Act states: "LEAs that receive SDFSCA funds are required to have a plan for keeping their schools safe and drug-free that includes appropriate and effective discipline policies, security procedures, prevention activities, a student code of conduct, and a crisis management plan for responding to violent or traumatic incidents on school grounds."

This Act further states the purpose of the SDFSCA is to support programs that prevent violence in and around schools, prevent the illegal use of alcohol, tobacco, and drugs. Further, this federal assistance is provided to LEAs in order to "establish, operate, and improve local programs of school drug and violence prevention and early intervention." In determining the effectiveness of a program, the act indicates that LEAs should consider the needs of the area, the goals of the program, and the evaluation results. Unless the LEA has chosen, based on needs assessment information, to focus the program exclusively on either drug use or violence, programs and performance measures should be included that address both areas.

*5. Should an antiviolence program be required at every grade level?*

Responses to this question were as follows:

- 54% - Yes
- 40% - No
- 5% - Don't know

Thus, the distribution of responses was highly similar to the prior question. The same uncertainty exists as to the meaning of responses for those LEAs who responded negatively.

6. *What would be an appropriate curriculum for each grade level?*

LEAs were asked to address this question separately for elementary, middle, and secondary schools. Their responses are summarized in Appendix B. These tables list the specific curriculums/programs that were named for each level and the number of LEAs that nominated them. Also included are concepts that LEAs noted as important for the different levels and the number of LEAs identifying each concept.

As seen in these tables, a large number of programs/curriculums were identified and a specific program was not mentioned by more than a minority of the LEAs. At the elementary level, the most common programs/curriculums nominated were Second Step, Character Education, and Get Real About Violence. In terms of key concepts that antiviolence education at the elementary level should include, anti-bullying was the only concept specifically reported by more than 3 LEAS.

At the middle school level, the curriculum nominated most frequently was Second Step, which was identified by 20 LEAs. Get Real About Violence was the next most frequently nominated program, with 7 nominations. In terms of key concepts that antiviolence education for middle schoolers should include, anti-bullying and anger management were identified 5 times, while conflict resolution and peer mediation techniques were identified 4 times.

At the secondary school level, the only curriculum receiving more than 5 nominations was the Get Real About Violence program. In terms of key concepts that secondary school students should be exposed to, dating/relationship violence was reported 6 times and anger management was reported 5 times.

In summary, no strong consensus for specific programs or curriculums was evident at any level. There was also not strong consensus on the key concepts that antiviolence education at each level should address. In part, this is likely to reflect the open-ended nature of the question that was asked. An alternative format in which a list of programs/curriculums and key concepts was provided to be rated or ranked could enable a clearer set of preferences to be identified.

There is an ever growing number of lists that claim to say which programs work and which do not. (See below for a sample of available lists.) The state should consider a way to sort through this information and make it easier for school administrators to use. This would require gathering additional information.

Another option would be to require whole school approaches. There is research that shows that whole school approaches, which may include classroom curricula, but also focus on the behavior of all school personnel, are more effective than the adoption of curricula that focuses only on classroom activities. The evidence for these programs is strongest for the elementary school grades.

Some available lists of evidence based practices:

What Works Clearing House

<http://www.w-w-c.org/>

The promising practices network

<http://www.promisingpractices.net/benchmark.asp?benchmarkid=4>

National Blue prints project

<http://www.colorado.edu/cspv/blueprints/model/overview.html>

Preventing crime What works

<http://www.seeq.com/popupwrapper.jsp?referrer=&domain=preventingcrime.com&direct=true>

Exemplary and Promising Safe, Disciplined, and Drug-Free Schools Programs 2001

<http://www.ed.gov/admins/lead/safety/exemplary01/exemplary01.pdf>

*7. What minimum requirements should be present in an appropriate curriculum to ensure that the curriculum addresses physical violence, mental or verbal abuse, and domestic and relationship violence?*

LEAs were asked to respond separately for elementary, middle, and secondary schools. Many left this question blank and noted that they did not have sufficient expertise to suggest specific requirements. Of the LEAs that responded, the most frequently reported issues to address were as follows:

#### Elementary School

- What constitutes violence/abuse
- What should be done if someone you know is being abused
- Bullying prevention
- Character education

#### Middle School

- What constitutes violence/abuse
- What should be done if someone you know is being abused
- Bullying prevention
- Character education

#### Secondary School

- What constitutes violence/abuse
- What should be done if someone you know is being abused
- Bullying prevention
- Training in anger management skills
- Training in conflict resolution skills
- It was also noted by a number of LEAs that any antiviolence program should be integrated into curriculum

It should be noted that requirements for effective antiviolence programming are already addressed, in part, through the Safe and Drug-Free Schools and Communities Act through which LEAs receive funding. Title IV, Part A, Subpart 1 of this act requires that recipients of SDFSCA funds use these funds to implement programs that meet the “principles of effectiveness.” Programs that meet these standards have demonstrated that when implemented appropriately, they are effective in preventing youth drug use, violence, and/or disruptive behavior. Programs implemented with SDFSCA funds must be based on scientific research demonstrating the program’s effectiveness in these areas. However, antiviolence programs that are supported with local funds would not necessarily have this same requirement.

*8. Should the state implement a particular antiviolence curriculum or allow individual schools to choose an appropriate curriculum from an approved list?*

Among the 67 LEAs who responded appropriately to this question:

- 7 % believe the State should require a specific curriculum
- 51% believe schools should choose from a State approved list
- 42% believe schools should choose without any State intervention

Clearly, LEAs are consistently opposed to the idea of being required to implement a specific antiviolence program selected by the state, although the majority of respondents were in favor of a state approved list from which to choose. A significant minority, however, (i.e., 42%) expressed the desire to address antiviolence within their schools without state input. A number of LEAs commented that the decision about how to effectively address violence in schools could best be made locally.

*9. What is the fiscal impact of implementing an antiviolence program for all schools, including additional staffing needs, if any?*

Responses to this question cannot be summarized. An accurate response to this item would require knowledge of the program to be implemented, the level of training required, etc. A number of LEAs indicated that they could not respond to this item without additional information. Some noted that there would be no fiscal impact while others described additional staff that would need to be retained. For example, LEAs that are currently addressing antiviolence exclusively through the Character Education program may not incur any additional expenses. Those that would like to implement a specific curriculum such as Second Step throughout their district would incur expenses associated with purchasing the curriculum and training personnel.

*Limited information on the budgetary requirements for antiviolence programming is available in the Safe and Drug Free Schools applications. Of the 96 LEAs who reported antiviolence programs, 85 included specific budget figures for antiviolence curricula. This information is summarized below.*

<i>Average antiviolence curricula budget</i>	= \$4,975
<i>Minimum antiviolence curricula budget</i>	= \$0
<i>Maximum antiviolence curricula budget</i>	= \$65,858
<i>Average percent of SADFS budget devoted to antiviolence curricula</i>	= 8%
<i>Minimum percent of SADFS budget devoted to antiviolence curricula</i>	= 0%
<i>Maximum percent of SADFS budget devoted to antiviolence curricula</i>	= 40%

*As can be seen, there was a wide range of the total Safe and Drug Free Schools money that LEAs were planning to spend on antiviolence curricula, i.e., 8% to 40%. It is important to note that these figures only pertain to money for antiviolence education that is drawn from Safe and Drug Free School funds. LEAs may be devoting resources to antiviolence programs in addition to these funds. Thus, neither data contained in the LEA survey or the Safe and Drug Free Schools applications allows for an accurate estimate of what the financial impact of requiring antiviolence programming for all schools would be. In part, this is because there is currently no standardization of programming across LEAs, and the expenses would thus vary considerably from one LEA to the next depending on the scope and intensity of the efforts being implemented.*

### **Summary**

Results of the survey administered by DPI, *as well as data contained in the Safe and Drug Free Schools applications*, indicate that the vast majority of LEAs report addressing antiviolence in their curriculums and are doing so in a variety of ways. There was no single program/curriculum reported by a majority of LEAs, nor are there particular concepts that a majority of LEAs reported as essential to include in antiviolence education. In part, this diversity of views may reflect the open-ended nature of the survey. The area on which the greatest consensus emerged is that LEAs oppose the state requiring a specific antiviolence curriculum, although many would support the adoption of a state approved list from which they could choose. A significant minority of LEAs, however, report that antiviolence programming should be a local decision made without state intervention.

The focus of House Bill 1354 is on domestic violence situations and results from this survey are ambiguous with respect to efforts being made by LEAs to address domestic violence or relationship violence. *As noted previously, information contained in survey responses and the Safe and Drug Free Schools applications does not enable any definitive conclusions to be made about whether and how domestic and/or relationship violence is being addressed by LEAs. This would require additional data collection in the form of a new survey that deals specifically with efforts by LEAs to address these forms of violence.*

**Appendix A – Listing of antiviolence programs reported at elementary, middle, and secondary schools**

***Programs reported in elementary schools and the number of LEAs reporting each program***

<b>Elementary Programs Mentioned</b>	<b>Number of LEAs</b>	<b>Elementary Programs Mentioned (continued)</b>	<b>Number of LEAs</b>
7 Habits of Highly Effective Teens	1	Indirectly through study of non-violent heroes	1
Adventurers	1	Kelly Bean	1
Adventures in Odyssey	1	Kelso's Choice	3
Anger is a Feeling Too	1	Life Skills	1
Anger Management	3	Lions Quest	3
Anti-Bullying	8	Make Time to Listen, Take Time to Talk	1
Bully Proofing your School	4	McDonald's Making it Real	1
Bully Safe USA - teacher program	1	Micro Society	1
CARE	1	Montessori	1
Character Education	27	OASIS	1
Choosing for Yourself II	1	On-line library of resources	1
Conflict Resolution	4	Outsider Speakers	2
Connect with Kids	2	Peer Mediation	3
Coping with conflict	1	Power Pals	1
Core Virtues	1	Project Class - mentoring self esteem building	1
Creature of Character	1	Proud to be polite	1
DARE	8	Risk Watch	1
Disciplinary programs	1	SAVE	1
Discover Skills for Life	1	Second Step	17
Don't Laugh at Me	1	Set Straight on Bullies	1
DUSO	1	Skills for Growing	2
Eight habits are taught including respect for self and other.	1	Small Counseling groups	1
Field trips - law enforcement related	2	Social Skills	1
Free the Horses	1	Start Something	1
Froggy and Friends	1	STEP	1
Funny Tummy Feeling	1	Steps to Respect	2
Get Real About Violence	9	Student assistance program	1
Good Touch, Bad Touch	1	Teaching tolerance	1
Guidance counseling	5	Veggie Tales	1
Healthful Living Curriculum	5	When No Means No	1
I'm Special	1		

**Programs reported in middle schools and the number of LEAs reporting each program**

Middle School Programs	Number of LEAs	Middle School Programs (continued)	Number of LEAs
Anger Management Life Skills	1	Outside speakers from local agencies	3
Anti-Bullying	4	Peace Makers	1
Assigned intervention specialist and resource officers	1	Peer Mediation	8
Botvin's Life Skills Curriculum	1	Positive Behavior Support	1
Bully Free Classroom	1	Project Alert	2
Bully Proofing your School	2	Project Class - mentoring self esteem building	1
Bully Safe USA - teacher program	1	Rape Prevention	1
Bully-Free School zone	1	Read "Violence, Not Allowed" in their advisor/advisee program	1
Character Education	20	Ripple Effects	1
Choosing for Yourself II	1	SAVE clubs	7
Classroom presentations by SDFS teachers and counselors	1	Second Steps	11
Conflict resolution	2	Set Straight on Bullies	1
Connect with Kids	1	Sexual Harassment training	1
DARE	3	Skills for Adolescence	1
Delta - domestic relationships	2	Small Counseling groups	1
Don't Laugh at Me	1	Social Skills Training	1
Eight habits are taught including respect for self and other.	1	Social Studies classes - citizenship	1
Excellence in Teaching	1	SOS Programs	1
Field trips related to law enforcement	1	SOR's	2
Gear UP program	1	Student Assistance Program	1
Get Real About Violence	9	Student code of conduct	1
Gossiping, Taunting, and Bullying	1	Teachers receive training in defusing crisis situations	1
Guidance Counselor programs	5	Violence as it related to drug and alcohol abuse	1
Health Class/Healthful Living	7	WAVE	1
Leadership Training	1	When No Means No	1
Life Skills	3	Wise Guys	1
Lions Quest	3		
Master Teacher Curriculum	1		
Micro Society	1		
Montessori	1		
OASIS	1		
On-line library of resources			

**Programs reported in secondary schools and the number of LEAs reporting each program**

Secondary School Programs	Number of LEAs	Secondary School Programs (continued)	Number of LEAs
7 Habits of Highly Effective Teens	1	School Assemblies	1
Aggressors, Victims and Bystanders	1	Second Step	1
Anger management	3	Sexual Harassment training	1
Anti-Bullying		Sexuality and the Millennial Teen	1
Anti-violence strategies within curriculum	2	Short novels with character education element	1
Assigned intervention specialist and resource officers	1	Skills for Action	1
Be Cool for High Schools	1	Social Conflict Management Class	1
Botwin's Life Skills Curriculum	1	Social Studies curriculum	2
Bully Safe USA - teacher program	1	Special activities around national awareness days & before prom	1
Bully-Free School zone	1	SORs	2
Character Education	15	Student Assistance Program	1
Choosing for Yourself II	1	Student code of conduct	1
Conflict Resolution	3	Tattoo: Peer Education Program	1
Family & Consumer Science/Health/PE Curriculum	1	Teachers receive training in defusing crisis situations	1
Get Real About Violence	6	Teen Court/Leadership Development	1
Guidance Counselor lead programs	3	Teen help cards are available with a list of resources	1
Health Class/Healthful Living	8	WAVE	1
Inclusion of anti-violence writings and art - discussed in seminars	1	When No Means No	1
Life Skills	1	Workshops	1
Mastering Anger: Resolving Conflict	1	Youth Prevention Specialists	1
Media Literacy	1		
Mentor program	4		
Our Family Life	1		
Outside speakers from local agencies	5		
Peace Talks	1		
Peer Discovery class	1		
Peer Mediation	9		
Positive Behavior Support	2		
Project Class - mentoring self esteem building	1		
Project Wave	1		
Ripple Effects	1		
SAVE	6		

## Appendix B – Appropriate Antiviolence Programs/Curriculum for elementary, middle, and secondary schools

### *Elementary School*

<u>Appropriate Curriculum for Elementary School</u>	<u>Number of LEAs</u>	<u>Key Concepts Elementary School Curriculum Should Include</u>	<u>Number of LEAs</u>
Adventures in Odyssey	1	Anger management	2
Bully Proofing your School	2	Anti-bullying	5
Character Education	8	Awareness of public safety services	1
Character Education - Grade Level Specific Curriculum	1	Conflict Resolution	3
Creature of Character	1	Consistency across teachers	1
DARE	4	Coping with conflict	1
Different and the Same	1	Curriculum based on positive choices and behavior	1
Don't Laugh at Me	1	Curriculum designed around particular character traits.	1
Free the Horses	1	Decision making skills	1
Froggy and Friends	1	How to develop positive relationships	1
Get Real About Violence	6	Integrate lessons into existing curriculum - Character Education & Healthful Living	3
Healthful Living Curriculum	2	Local decision	1
I'm Special	1	Moral stories, examples, films for biweekly discussion sessions	1
Lions Quest	1	NC Center for Prevention of School Violence has excellent material	1
Project Class - mentoring self esteem building	1	Peer mediation	3
Ripple Effects	1	Programs that are developmentally appropriate	1
Risk Watch	1	Puppets	1
Second Step	13	Resistance skill training	1
Skills for Growing	1	Small group discussions	1
Start Something	1	Social development of adolescents	1
Steps to Respect	2	Social skills training	2
Veggie Tales	1	Strategies for personal safety	1
		Stress management	1
		Teach respect, responsibility, and good judgment	2
		Teaching tolerance	1
		Time to teach the current curriculum	1
		Understanding and coping with feelings	1
		Weekly lesson with counselor	1
		<u>What violence is, how to recognize it, and what to do about it</u>	3

## Middle School

Appropriate Curriculum for Middle School	Number of LEAs
Boivin's Life Skills Curriculum	1
Bullies, Victims, and Bystanders	1
Bully Proofing your School	2
Character Education	4
Delta-domestic violence program	1
Discover Skills for Life	1
Get Real About Violence	7
GREAT	1
Healthful Living Curriculum	3
Lions Quest	1
Project Alert	1
Project Class - mentoring self esteem building	1
Ripple Effects	1
S.A.V.E.	1
Second Step	10
Stand Up and Speak Out	1
Teen Court	2

Key Concepts Middle School Curriculum Should Include	Number of LEAs
Advisor program	1
Anger management	5
Anti-bullying programs	5
Anti-violence as it related to drug and alcohol abuse	1
Any program that helps student value self without having to resort to violence	1
Recognition of violent behavior	1
How to avoid or diffuse situations	1
Resources available to help	1
Citizenship and responsibility	1
Conflict resolution techniques	4
Curriculum designed around particular character traits.	1
Daily character lessons with weekly consideration of bullying, anti-violence topics	1
Dealing with opposite sex	1
Decision making skills	2
Domestic violence	1
Easily implemented by teachers	1
Gangs	1
Introduction to judicial system in NC	1
Local decision	1
None - students just need to be aware of the consequences of their behavior	1
Outside speakers from local agencies	1
Peer mediation	4
Relationship issues	1
Resistance Skills	1
Self discipline	1
Self esteem issues	1
Small group discussions	1
Social skills training	2
Stress management	1
Students should be held to their actions being addressed in relations to all academic subject matter	1
Suicide prevention	1
Teach about healthy relationships	1
Teach students to respect each other	1
Use of community agencies very important	1
Utilize school resource officials more in a teaching mode about crime and violence	1

## Secondary School

Appropriate Curriculum for Secondary School	Number of LEAs
Be Cool High School	1
Bovin's Life Skills Curriculum	1
Bullies, Victims, and Bystanders	1
Character Education	3
Don't be a victim-Sunburst Visual Media	1
Get Real About Violence	6
Healthful Living Standard Course of Study	4
Life Skills	1
Olweus Bullying Prevention Program	1
Our Family Life	1
Project Class - mentoring self esteem building	1
Relate for Teens	1
Safe Dates	1
Second Step	1
Skills for Action	1
Social Conflict Management Class	1
Tattoo	1
Think About It-Understanding the Impact of TV Violence	1

Key Concepts Secondary School Curriculum Should Include	Number of LEAs
Anger management	5
Anti-bullying programs	2
Awareness of the consequences of violence/Laws	2
Citizenship and responsibility	1
Conflict resolution techniques	4
Criminal justice classes	1
Dating/Relationship violence	6
Decision making skills	2
Develop a curriculum with the advisor program	1
Developmentally appropriate	1
Domestic violence	1
Easily implemented by teachers	1
Elective course	1
Exposure to family court	1
Gangs	2
How to avoid or diffuse situations	1
How to recognize abusive relationships and what to do about it	1
Integrated into existing curriculum	4
Local decision	4
Managing emotions	1
Mediation skills	1
Parenting skills training	1
Peer mediation	4
Problem solving	1
Recognition of violent behavior	1
Resistance skills	1
Self-discipline	1
Self-esteem training	2
Sexual harassment	1
Small group discussions	1
Social Conflict Management Class	1
Social Skill training	2
Stress management	1
Suicide prevention	1
Utilize school resource officials more in a teaching mode about crime and violence	1
Weekly review of temper, violence, and self-control issues and techniques	1

## TRAINING

Four major points continuously came up in the HB1354 Study Group's discussions regarding training - utilize existing resources, include all school staff in basic training, training needs to be audience-specific (i.e. not the same for custodians as for school counselors) and trainings need to clarify the differences between domestic violence and other forms of violence.

In utilizing existing resources, we first need to identify criteria of which quality, effective training would include, continue to study what resources already exist and determine how to best make use of those resources. Trainings provided by the North Carolina Coalition Against Domestic Violence and local domestic violence programs and having universities offer courses in domestic violence and other forms of violence were the most commonly agreed upon options amongst the HB1354 Study Group. Several universities within the UNC system already have advisory groups in place to develop anti-violence and domestic violence courses. Below are some of the existing options for trainings.

Event	Description	Sponsor
Safe Schools and Character Education Conference	An annual two-and-a-half-day conference with expert speakers and multiple break-out sessions related to school safety and climate	NC Department of Public Instruction
Domestic Violence Basics	A six-hour Domestic Violence Basics training presented to new employees of domestic violence programs	NC Coalition Against Domestic Violence
Working with Children of Domestic Violence	A workshop addressing the dynamics of the effects of domestic violence on children	NC Coalition Against Domestic Violence
Coordinated Community Response	A workshop on organizations working together within the community to address domestic violence	NC Coalition Against Domestic Violence
NCCADV Bi-annual Conference	A three-day bi-annual conference inclusive of workshops and forums on various topics related to domestic violence	NC Coalition Against Domestic Violence
This Far By Faith Conference	A three-and-a-half day conference inclusive of topics such as oppression, unity across diversity, feminism, social change, gender justice, men's role in preventing VAW, policies, etc.	The Black Church and Domestic Violence Institute

In addition, the North Carolina Department of Public Instruction, the North Carolina Center for the Prevention of School Violence, the North Carolina Coalition Against Domestic Violence, the North Carolina Council for Women and Domestic Violence Commission and their satellite programs, and local Departments of Health and Human Services provide various trainings and workshops based on the requests and expressed needs of their consumers. Organizations such as

the North Carolina School Counselor Association and the North Carolina School Social Worker's Association have annual conferences that include, but are not limited to, sessions on domestic violence and other violence related topics.

Domestic violence and other forms of violence can be addressed in separate trainings, however the study group felt that combining the two into one training of the basics would be more time efficient especially in light of the fact that schools have lost five staff development days. It would be critical for all school staff from custodians, bus drivers, and teachers to principals, superintendents, directors of student services, and other administrators to receive the basic training. Basic domestic violence training for all school staff would need to be inclusive of the following:

- definitions of types of violence and the difference from other forms of violence;
- signs, symptoms and effects of domestic violence;
- how to do a quick assessment and referral;
- what resources are available;
- confidentiality, sensitivity and empathy to the domestic violence situation and those involved;
- relative federal, state and local policies and laws;
- characteristics of healthy and unhealthy relationships.

A more in depth level of domestic violence training for staff members such as school counselors, school social workers, school nurses, school psychologist and school resource officers would provide more specificity in the topics of the basic level training. Training of any more depth would be for domestic violence professionals such as agency social workers specializing in domestic violence.

The anti-violence basic training component for all staff would need to be inclusive of the following topics:

- definitions of types of violence and the difference from domestic violence;
- how to recognize and address bullying;
- conflict resolution and anger management;
- peer mediation;
- positive communication skills;
- implementing positive behavioral support;
- how to recognize and address gang activity;
- how to promote positive self-esteem;
- effectively working with parents;
- understanding poverty and hidden rules of social classes;
- understanding and addressing racism, multiculturalism and diversity;
- understanding and promoting resiliency; and
- characteristics of healthy and unhealthy relationships.

A more in depth level of anti-violence training for staff members such as school counselors, school social workers, school nurses, school psychologist and school resource officers would provide more specificity in the topics of the basic level training.

### **Using the Healthful Living and Guidance Curriculums to Educate About Domestic and Dating Violence**

The existing, standardized curricula are required as elective courses of study. The curricula currently include topic headings/goals and objectives that may allow for instruction on anti-violence AND domestic and dating violence.

Domestic and dating violence specific core curriculum components can be incorporated under specified topic headings/goals and objectives of the curricula and instruction can include the use of available supplemental materials and resources, curricula and/or programs as outlined by materials provided by the HB 1354 Study Commission/DPI Work Group.

Here are some examples of how certain objectives may be met while incorporating domestic and dating violence specific core curriculum components:

#### **HEALTHFUL LIVING CURRICULUM**

##### **Kindergarten: Objectives 1.02, 2.01 – 2.05, 3.06, 4.02**

Children who witness or experience violence in their homes may benefit from discussions about feelings, making choices and seeking help.

##### **Grade 1: Objectives 2.01-2.04, 3.03-3.04, 4.01-4.06**

Children who witness or experience violence in their homes may benefit from discussions about feelings, seeking help, and respecting the rights of self and others.

##### **Grade 2: Objectives 2.01-2.05, 3.07, 4.01-4.04**

Children who witness or experience violence in their homes may benefit from discussions about various feelings, coping methods, and working cooperatively with others.

##### **Grade 3: Objectives 2.01-2.05, 4.01-4.04**

Children who have witnessed or experienced violence in their homes may benefit from discussions about feelings and unhealthy ways to express feelings, standards of behavior, and empathy building.

##### **Grade 4: 2.01-2.05, 4.02, 5.03, 9.01-9.03**

Children who have witnessed or experienced violence in their homes may benefit from discussions about advanced feelings, physical and emotional development, and relationships.

##### **Grade 5: Objectives 2.01-2.06, 3.02-3.03, 4.01-4.05, 6.04**

Children who have witnessed or experienced violence in their homes and/or students who are involved in dating violence may benefit from discussions about anger management, controlling behavior and health risks. (NOTE: Anger management is not an appropriate topic or intervention for dating violence).

**Grade 6:** Objectives 2.01-2.08, 3.03, 4.01-4.05

Children who have witnessed or experienced violence in their homes and/or students who are involved in dating violence may benefit from discussions about structured thinking processes, social relationships, individual behaviors, and abusive relationships.

**Grade 7:** Objectives 2.01-2.06, 3.02-3.09, 4.01-4.05

Children who have witnessed or experienced violence in their homes and/or students who are involved in dating violence may benefit from discussions about high-risk behaviors, coping methods, positive communication, and “mutually faithful” relationships.

**Grade 8:** Objectives 1.06, 2.02-2.07, 3.02-3.08, 4.01-4.03

Children who have witnessed or experienced violence in their homes and/or students who are involved in dating violence may benefit from discussions about accepting responsibility for personal behavior, consequences of behavior, and relationship skills.

**Grades 9 – 12:** Objectives 2.01-2.06, 3.07-3.09, 4.01-4.06, 6.01

Children who have witnessed or experienced violence in their homes and/or students who are involved in dating violence may benefit from discussions about behavior change strategies, self-protection, and principles of healthful daring relationships (including information about relationship violence prevention).

## **GUIDANCE CURRICULUM FOR COMPREHENSIVE SCHOOL COUNSELING PROGRAMS**

### **Elementary Personal / Social Development**

Children who have witnessed or experienced violence in their homes may benefit from discussions about individual responsibility, sociability, self-management, interpersonal skills, negotiation, communication and problem solving.

**DV specific components:** safety planning to include instruction for children to “stay out of the incident/do not get involved”, “to seek safety”, and “to seek help”; also, messages to children that abuse is not their fault and that they are not alone.

### **Middle School Personal/Social Development**

Children who have witnessed or experienced violence in their homes and/or involved in dating violence benefit from discussions about individual responsibility, self-esteem, sociability, self-management, negotiation, communication, problem solving, personal and safety skills (understanding safety).

**DV specific components:** safety planning for children who have witnessed or experienced violence in their homes (see above); safety planning for students who are victims of dating violence to include variety of options for protection (Domestic Violence Protective Orders, Counseling, Law Enforcement response, etc.); also, messages to children who have witnessed or experienced violence in their homes and student victims of dating violence that abuse is not their fault and that they are not alone; also, messages to student perpetrators of dating violence of personal responsibility and accountability, and availability of services to support efforts for changing abusive and violent behaviors.

### **High School Personal/Social Development**

Children who have witnessed or experienced violence in their homes and/or involved in dating violence benefit from discussions about individual responsibility, self-esteem, sociability, self-management, integrity, interpersonal skills, negotiation, and acquiring personal safety skills.

**DV specific components:** safety planning for children who have witnessed or experienced violence in their homes (see above); safety planning for students who are victims of dating violence (see above); also, messages to children who have witnessed or experienced violence in their homes and student victims of dating violence that abuse is not their fault and that they are not alone; also, messages to student perpetrators of dating violence of personal responsibility and accountability, and availability of services to support efforts for changing abusive and violent behaviors.

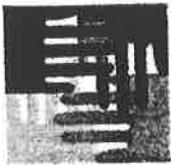
## HOUSE BILL 1354 STUDY GROUP RECOMMENDATIONS

1. The Department of Public Instruction (DPI) will continue to offer existing anti-violence programs and curricula geared to addressing the needs of students and staff. Anti-violence training topics and lessons are currently included in the following curricula: Healthful Living, Character Education, Comprehensive School Counseling and Guidance, as well as Safe and Drug Free Schools approved programs.
2. State and community agencies, including Universities that currently provide in-service training and courses through distance education and site-based courses, are encouraged to collaborate in order to provide collaborative trainings to schools and school district personnel, using strategies, programs, and services that have proven effectiveness and that are researched-based.
3. The Department of Public Instruction, in collaboration with other agencies, will conduct a comprehensive review of community-based curricula and programs currently being used by LEAs and local schools in the areas of child behavior issues, substance prevention, violence prevention, relationship and domestic violence, including child maltreatment. The purpose of this review would be to evaluate the effectiveness of existing curricula and programs, and to identify opportunities for streamlining and strategically linking related offerings.
4. In order to increase the awareness of various social and emotional consequences of domestic violence and the impact on the overall health and well-being of children, the Department of Public Instruction will collaborate with the University System and the Independent Colleges to ensure that courses in anti-violence, domestic violence, peer mediation, anger management and conflict resolution are adequately addressed in teacher and administrator preparation programs.
5. The Department of Public Instruction, in collaboration with other agencies, is encouraged to request sufficient resources (resources may include collaboration with other service providers, the structuring and scheduling of staff time to provide services, or the distribution and allocation of monetary resources for targeted activities) for a school-based position to address anti- and domestic violence needs, as well as to implement strategies designed to provide training and services to students and families in need.
6. Local Education Agencies are to review their existing policies and Safe Schools Plans to assure that there are measurable goals and objectives that are aligned with the issue of addressing anti-violence and domestic violence topics.

## Study Group Meeting Participants:

Rep. Marian McLawhorn, North Carolina General Assembly  
Edgar Murphy, State Board of Education  
Marvin Pittman, Director, Division of School Improvement, NCDPI  
Lisa Bateman, DJJDP - Center for the Prevention of School Violence  
Cynthia Floyd Boyd, Education Consultant, NCDPI  
Denise Briggs, Department of Juvenile Justice & Delinquency Prevention  
Barry Bryant, Governor's Crime Commission  
Nan Coleman, Historically Minority College and Universities Consortium  
Carolyn Foxx, Education Consultant, NCDPI  
Beth Froehling, North Carolina Coalition Against Domestic Violence  
Jennifer Godwin, Center for Child & Family Policy, Duke University  
Joann Haggerty, North Carolina Child Advocacy Institute  
Joann Harris, North Carolina Coalition Against Domestic Violence  
Adam Hartzell, Interact  
Michelle Hughes, Prevent Child Abuse  
Kevin Hutchinson, Governor's Policy Office  
Antonia Johnson, Education Consultant NCDPI  
Katherine Joyce, North Carolina Association of School Administrators  
John Lee, Peace at Work  
Lee Lewis, North Carolina Division of MH/DD/SAS, Prevention and Intervention  
Carolyn McKinney, North Carolina Association of Educators  
Lisa Moore, Coastal Women's Shelter  
Marguerite Peebles, Section Chief, NCDPI  
David Rabiner, Center for Child & Family Policy, Duke University  
Sheria Reid, North Carolina Justice Center  
Peter Romary, Attorney (Private Practice)  
Molly Ryan, School Board Association  
Allison Shafer, North Carolina School Boards Association  
Adam Short, North Carolina Child Advocacy Institute  
Eric Sparks, Wake County Public Schools  
Kevin Spragley, North Carolina Association of Educators  
Leslie Starsoneck, Consultant, Prevent Child Abuse of North Carolina  
Tracy Turner, North Carolina Association of County Directors of Social Services  
Tykee Vallien, Interact  
Michelle Wallen, Education Consultant, NCDPI  
Shawn Williams, Jones County Schools Police  
Leanne Winner, School Board Association

## **RESOURCE MATERIAL**



NORTH CAROLINA  
**COALITION**  
AGAINST DOMESTIC VIOLENCE

## **SUMMARY OF HOUSE BILL 1354 STRENGTHEN DOMESTIC VIOLENCE LAWS**

**This comprehensive legislation is a result of the work of the  
House Select Committee on Domestic Violence**  
*Passed 7/15/04*

### **Part I: Domestic Violence Offender Treatment**

- moves offender treatment as a condition of probation from the permissive section of the statute to the mandatory section
- all defendants convicted of domestic violence and placed on probation must attend and complete an abuser treatment program approved by the Domestic Violence Commission
- Department of Corrections shall establish an abuser treatment program for domestic violence offenders
- *effective December 1, 2004*

### **Part II: Domestic Violence Training for Law Enforcement**

- mandates that Basic Law Enforcement Training (BLET) include education and training in response to, and investigation of, domestic violence cases, as well as training on evidence-based prosecution
- mandates in-service training on domestic violence
- provides that instructors must be certified to teach domestic violence
- *NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs' Education and Training Standards Commission shall report to the General Assembly on or before March 1, 2005 on the standards implemented*

### **Part III: Study of Anti-Violence Education in Schools and Training for School Personnel**

- NC Department of Public Instruction in collaboration with the State Board of Education to study the issue of anti-violence programs in schools, including looking at curriculums that address physical violence and mental or verbal abuse, and domestic and relationship violence
- agencies also to study training for school personnel, including who should be trained and what type of training they should receive
- *preliminary report is due by November 15, 2004, and a final report is due by January 15, 2005*

### **Part IV: Legal Services for Victims of Domestic Violence**

- funding to be provided to established legal services programs to provide legal representation for victims of domestic violence in protective order proceedings, as well as custody proceedings and services which ensure the safety of the client and the client's children
- funds will be distributed as follows: 20% based on a fixed equal dollar amount for each county and 80% based on the rate of 50B actions filed in that county
- *effective when it becomes law*

### **Part V: Domestic Violence Advocates on Child Fatality Task Force**

- two positions added to the Child Fatality Task Force, including a representative from NCCADV and a representative from the Council for Women/DV Commission
- *effective when it becomes law*

**Part VI: Study of Mental Health Services for Domestic Violence Victims**

- DHHS to study and develop a plan for serving clients of domestic violence programs with mental health and substance abuse service needs, including service delivery to children
- *preliminary report is due by October 1, 2004, and a final report is due by January 15, 2005*

**Part VII: Study of CLE Credit for Pro Bono Legal Representation**

- NC State Bar in cooperation with the NC Bar Association to study the issue of providing CLE credit to active attorneys for providing pro bono legal representation
- *preliminary report is due by October 1, 2004, and a final report is due by January 15, 2005*

**Part VIII: Domestic Relationship Aggravating Factor**

- provide for an aggravating factor for felony sentencing if the defendant took advantage of a position of trust, including a domestic relationship
- *effective December 1, 2004*

**Part IX: Create Strangulation Offense**

- new crime of non-fatal strangulation created
- any person who assaults another person and inflicts physical injury by strangulation is guilty of a Class H felony
- *effective December 1, 2004*

**Part X: Amend Habitual Misdemeanor Assault Statute**

- felony crime of "habitual misdemeanor assault" changed to only require 2 or more prior convictions for either misdemeanor or felony assault (rather than requiring 5 prior convictions, 2 of which have to be assaults)
- the earlier of the two prior convictions must have occurred no more than 15 years prior to the date of the current assault
- triggering assault must cause physical injury
- *effective December 1, 2004*

**Part XI: Domestic Violence Offense Tracking**

- requires the court to determine if the parties have a personal relationship (as defined in 50B) for all offenses involving assault or communicating a threat and indicate that the case is domestic violence on the judgment
- allows the court to order electronic house arrest as part of a community punishment
- *effective December 1, 2004*

**Part XII: Study of Misdemeanor Offense Classifications**

- directive to the NC Sentencing and Policy Advisory Commission to study misdemeanor assault offenses and make recommendations for reclassifications
- *final report must be made to the General Assembly in the 2006 Session*

**Part XIII: Warrantless Arrest for Violation of Pretrial Release Conditions**

- violation of a pretrial release order entered under GS 15A-534.1 (domestic violence bond law) added to the list of offenses that allow for arrest without a warrant when the offense occurs out of the presence of the officer
- *effective December 1, 2004*

**Part XIV: Conform State Firearms Law to Federal Law**

- removes exception that allows felons to possess firearms within their own homes or places of business and conforms state firearms definition to the federal definition
- *effective December 1, 2004*

**Part XV: Specifically Allow Cross-Warrants**

- judicial official may not refuse to issue a warrant *solely* because a prior warrant was already issued against a person involved in the same incident
- purpose is to prevent policies that prohibit the issuance of a cross warrant in cases where the perpetrator gets to the magistrate's office first and obtains a warrant against the victim
- *effective when it becomes law*

**Part XVI: Clarify Nurse's Privilege**

- written or printed medical records that would otherwise be admissible in court are still admissible after a determination by the court that disclosure should be compelled
- *effective December 1, 2004*

**Part XVII: Temporary Child Custody in Domestic Violence Hearings**

- standard at ex parte stage of DVPO changed from "child exposed to a substantial risk of bodily injury or sexual abuse" to "child exposed to a substantial risk of physical or emotional injury or sexual abuse"
- court required to consider custody at ten-day hearing and must consider factors listed
- if court grants visitation, court must provide for the safety of the child and the aggrieved party and specify dates and times in the order
- custody order entered under 50B may not last for more than one year even if order is renewed
- court must follow provisions in 50B when determining general custody cases if the court finds that domestic violence has occurred
- *effective October 1, 2004*

**Part XVIII: Prohibit Employment Discrimination Against Domestic Violence Victims**

- employer may not discharge, demote, deny a promotion or discipline an employee because the employee took reasonable time off from work to obtain relief provided in Chapter 50B
- employee must follow the employer's usual time-off policy unless an emergency prevents the employee from doing so
- *effective October 1, 2004*

**Part XIX: Privacy for 50B Intake**

- clerk required to provide a private area for plaintiffs to fill out forms and make inquiries, whenever feasible
- *effective when it becomes law*

**Part XX: Training for Judges and Court Personnel**

- request to the NC Supreme Court to adopt rules establishing minimum standards of education and training for district court judges in handling civil and criminal domestic violence cases
- AOC to study the issue of training for court personnel in the area of domestic violence
- AOC must make a report to the 2005 General Assembly
- *effective when it becomes law*

*For more information, please contact Beth Froehling, Public Policy Specialist*

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# How Does Anti-Bullying/Anti-Harassment Fit with Healthful Living Education in North Carolina?

## Fourth Grade

### *Preparatory*

1.01 Summarize health risks for age group.

### *Stress Management*

- 2.01 Associate personal behaviors with universal standards.
- 2.02 Identify feelings of contentment, enthusiasm, and confidence and demonstrate healthy ways to express those feelings.

### *Relationships*

- 4.01 Recognize and demonstrate the importance of facial expression, body language, and verbal expression in communication.
- 4.02 Describe the variety of relationships between people.
- 4.03 Explain the value of social support.

## Fifth Grade

### *Preparatory*

1.01 Summarize health risks for own age group.

### *Stress Management*

- 2.01 Analyze the impact of emotions on health-related behaviors.
- 2.02 Successfully manage anger and other strong emotions.
- 2.04 Identify basic human needs as motivators of behaviors.
- 2.05 Identify impulse behaviors, ways to control them, and how to respond to others.

### *Relationships*

- 4.01 Interpret stereotyping and discrimination as limiting and hurtful behaviors.
- 4.02 List and follow rules for productive discussion.
- 4.03 Identify alternatives to fight or flight as means of resolving interpersonal conflicts.
- 4.04 Describe means of adapting to changing relationships and friendships.
- 4.05 Identify family, school, and community as sources of social support to reduce or prevent stress.

## Sixth Grade

### *Preparatory*

- 1.01 Explain health risks for age group.
- 1.02 Accurately describe the incidence of high-risk behaviors for age group.

### *Stress Management*

- 2.04 Cope with failure appropriately.
- 2.05 Initiate requests for help or assistance from others.
- 2.06 Demonstrate stress management through breathing patterns, muscular relaxation, directing thoughts.
- 2.07 Use a structured thinking process to make decisions and solve problems.

### *Protecting Self/Others*

- 3.06 Differentiate between positive and negative effects of peer pressure.

### *Relationships*

- 4.01 Communicate own feelings.

4.04 Enact non-violent conflict resolution strategies.

4.05 Discuss abusive relationships and create a list of resources for seeking help.

## Seventh Grade

### *Preparatory*

1.01 Explain health risks for age group.

1.02 Appraise own health status.

1.05 Accurately describe the incidence of high risk behaviors for age group.

### *Stress Management*

2.05 Anticipate and monitor personal stressors.

2.06 Explain methods of managing stress by minimizing exposure to stressors.

### *Protecting Self and Others*

3.09 Analyze messages in the media targeting teens.

### *Relationships*

4.01 Exercise social and interpersonal persuasion.

4.02 Identify feelings in communication with others.

4.03 Clarify expressions of others.

4.04 Express expectations to others.

4.05 Define tolerance and explain its importance to a healthy society respectful of differences and diversity.

### *Substance Abuse*

6.01 Quantify the contribution of alcohol death to injury from vehicle crashes, pedestrian injury, homicide, suicide, robbery, and assault, drowning, burns, and falls, and to job absenteeism, job loss, and job injury.

### *Appreciation for Diversity (Physical Education)*

9.01 Demonstrate respect for individual differences in physical activity settings.

9.03 Develop strategies for including persons of diverse backgrounds and abilities in physical activity settings.

## Eight Grade

### *Preparatory*

1.01 Explain health risks for personal age group.

1.02 Appraise own health status.

1.03 Identify automobiles, alcohol, and handguns as three factors associated with the majority of fatal and serious injuries.

1.04 Predict the potential for health risks in a variety of situations.

1.06 Explain how media can model both positive and negative health behaviors.

### *Stress Management*

2.03 Identify positive ways to cope with stress.

2.04 Accept responsibility for own behaviors.

2.05 Employ a variety of structured thinking processes to solve problems and make decisions.

### *Relationships*

4.01 Develop and maintain confidential relationships.

4.02 Describe constructive and risky means of expressing independence.

4.03 Seeks help from family, schools, and community resources for unhealthy relationships.

### *Substance Abuse*

- 6.01 Explain the relationship between the amount and frequency of a harmful substance consumed and effect on behavior.
- 6.04 Describe the special risks associated with alcohol use and vehicles.
- 6.05 Relate the potential impact- social, emotional, familial, physical, and legal- of harmful substance use on oneself.

## **High School (Grades 9 -12)**

### *Preparatory*

- 1.01 Assess own health status
- 1.02 Accept responsibility for own health.
- 1.03 Determine individual control over health risks.

### *Stress Management*

- 2.01 Develop awareness of own control over stress.
- 2.02 Replace negative thoughts with positive.
- 2.03 Associate behaviors with personal, family, and cultural values.
- 2.04 Cope with losses appropriately.
- 2.05 Respond to others with empathy.
- 2.06 Identify symptoms of mental disorders and know where to seek professional assistance.

### *Protecting Self and Others*

- 3.09 Understand causes, consequences, and prevention of major health risk behaviors for own age group, including the transmission of HIV.

### *Relationships*

- 4.01 Analyze problems stemming from unhealthy relationships.
- 4.02 Implement skills which develop positive relationships.
- 4.03 Utilize anger management skills.
- 4.04 Identify resources for managing relationship problems.
- 4.05 Demonstrate conflict resolution skills.
- 4.06 Formulate principles for healthful dating relationships.

### *Substance Abuse*

- 6.02 Describe the potential effects on others of substance abuse by individuals.
- 6.03 Analyze motives for and consequences of steroid abuse.
- 6.06 Delineate the risks involved in binge drinking.

### *Appreciation for Diversity (Physical Education)*

- 9.01 Execute respect for individual differences in physical activity settings.
- 9.02 Develop strategies for including persons of diverse backgrounds and abilities in physical activity settings.

### *Social Wellness (Physical Education)*

- 10.01 Work productively as a member of a team and contribute to the team's success through the assumption of a variety of noncompetitive duties.
- 10.03 Practice acceptable sportsmanship and fair play behaviors in physical activity settings.
- 10.04 Apply cooperative skills to partner and group activities such as dance, outdoor activities, team building, problem solving, and cooperation games.

## Objective 4.04

### Identify resources for managing relationship problems.

#### Materials Needed:

Overhead Projector

Index cards w/ Feeling Words

Poster paper or flip chart paper

Markers, tape

Appendix 1 – Copies of You Have Rights

Appendix 2 – Copies of NC Hazing Laws

Appendix 3 – Copies of Could Mepham High School Happen Here?

Phone books

#### Review:

Have the students come up with a definition for each of the following words in groups. Create a class definition. Write the definitions on newsprint and hang for the duration of the class. Make sure the following information is included in the definitions.

1. *Sexual Harassment- A form of harassment which involves any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.*

2. *Bullying- The act of intimidating a weaker person physically or mentally to make them do something or to make them feel bad.*

3. *Hazing- Any conduct which subjects another person, whether physically, mentally, emotionally, or psychologically, to anything which may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization regardless of the person's consent or lack of consent.*

#### Focus:

Emotional Gossip

o This game is played similarly to the game Telephone, Gossip, or Pass It Along.

o Explain the following rules to the class:

- *There is to be no talking during this activity!!*
- *No vocal sounds at all. Anyone caught will be disqualified along with their group.*
- *The student in the front of the line has to use non-verbal communication to express the emotion which is written on the card.*
- *The students are to "pass" the emotion down the line non-verbally (and without mouthing the words).*
- *The students may not repeat the gesture. They are to "pass" the emotion one time! The next student in line is to guess what emotion they were "passed" and turn to the next student in line, tap them on the shoulder, and "pass" the emotion.*
- *The last person to get the emotion should show the class what they saw and guess what emotion they are conveying.*
- *Tell what emotion was written on the card after each group has guessed.*
- *Repeat with the next card.*

o Have the students get into groups by counting off by fours.

o Tell each of the groups to get into a straight line with all of the students facing the same direction.

- o Show the last person in each line one of the index cards with a feeling word written on it. (Examples: shy, scared, embarrassed, excited, or ashamed) Show the same card to each group. Make sure you only show the card to the student in the back of the line who has his or her back to you.
- o Process this activity with the following questions:
  - o *Were we good at guessing how a person was feeling based on their non-verbal clues?*
  - o *Why did the gestures people used differ from person to person and group to group?*
  - o *How do high school students normally communicate what they are thinking or feeling?*
  - o *What does this have to do with bullying, hazing and sexual harassment?*

### **Statement of Objectives:**

*Today we are going to discuss sexual harassment. By the end of this program you will be able to define sexual harassment, bullying and hazing, list behaviors associated with sexual harassment, bullying and hazing and explain societal factors which contribute to sexual harassment, bullying and hazing.*

### **Teacher Input:**

To initiate student thinking about identifying relationship problems present the following scenarios and ask the students to define what type of relationship problem is being discussed. (It is also a good idea to invite guest speakers from the community such as law enforcement officers, counselors, or local domestic violence community educators.)

#### **True Story**

In November 2000, a teenage girl's pants were pulled down in the middle of her crowded high school cafeteria. The girl was humiliated and many members of the student body teased her for the rest of the school year. Students would yell comments about her breast size and make innuendos about her sexual history on a daily basis. (sexual harassment)

#### **True Story**

A 16-year-old teenage girl was abused by her classmates which took both a physical and emotional toll on her. "They actually had a contest. They'd high-five each other if they came up with the best name to describe how ugly I was," she said. "They'd kick me in the back of the knees and give me small bruises or they tripped me." The student, who has a heart condition, would suffer attacks of rapid heartbeats after being harassed. Her grades dropped. She became withdrawn and had no friends. After school she would lock herself in her room and cry. "All day, every day, they kept harassing me," she said. "Everywhere I went, there they were." She said teachers told her to "tough it out" or to "just ignore it." She said she was too embarrassed to tell her parents, but she finally confided in her mother. Principals of her school say the complaints never reached them, but they admit despite their anti-bullying policies, she somehow fell through the cracks. The teen victim now goes to a new school where she says she is treated "like a human being." (bullying)

#### **True Story**

A high school student says he and his family were assaulted when he tried to drop out of a secret band fraternity. The student has filed suit against the Board of Education in his town and a school band director. The suit claims he was beaten by high school band members at the direction of the band teacher. He said it was part of a pledge process required to join a secret band fraternity and that he was punched, kicked and hit with wooden paddles. When he tried to drop out of the pledge process, he says he and members of his family were attacked. (hazing)

- Ask the students to think about how they would feel if they were involved in any of the above situations. Have the class discuss options available to the students.
- Pass out a copy of the You Have Rights (Appendix 1) to the class and read and discuss. Ask the students how they would feel if they had to report an incident of sexual harassment, bullying or hazing. Point out to the class that students reporting they are being abused is the only way the school faculty can help put an end to the abuse. Also, point out that student reporting is the only way that fights, harassment, and other incidents of school violence can be prevented.
- Distribute copies of the NC Hazing Law (Appendix 2). Have students read the law and ask them to work in pairs for Think, Pair, and Share. They should think of three new facts they learned and share those with a partner. Call on groups in round robin fashion to share with the larger group.

### Guided Practice:

#### Option 1

- Tape five pieces of poster board paper or flip chart paper around the room.
- Divide the class into three groups. (If the class is large, use more groups with a few groups answering the same question.)
- Explain to the groups they have to answer questions on the poster paper. [The questions can be printed at the top of each sheet of poster paper before the class begins.]
- Give each group a few markers.
- Each group will discuss a different question.
- Ask the following questions and have each group present their answers to the class.
  - *What are some behaviors which might be classified as sexual harassment, bullying and/or hazing?*
  - *Who can you talk to if you or someone you know is being sexually harassed, bullied or hazed?*
  - *What can other students do to help create a culture in their high schools which does not tolerate sexual harassment, bullying and hazing?*
  - *What are a few contributing factors which lead to sexual harassment, bullying and hazing in high schools?*
  - *What steps can a student take to prevent and/or report relationship problems such as sexual harassment, bullying and hazing?*

#### Option 2

##### Could Mepham High Happen Here?

Distribute copies of the article, Could Mepham High Happen Here? (Appendix 3) Have students read the story about the sexual assault and hazing of younger players by older players. Ask the following questions about the story:

- *Why did the older boys think they were entitled to abuse the younger players on the team?*
- *What effects might the hazing incident have on the victims? The perpetrators? The team? The schools? The community?*

- *If you knew about an incident of hazing, would you report it? Why or why not?*
- *Could hazing happen here? Why or why not?*

**Independent Practice:**

Tell the students to create a resource list for high school students dealing with relationship problems. Have the students create a list of resources including their phone numbers, addresses, and the types of services each agency or person offers. The students can use phone books, the Internet, and any other resources they might think to use.

**Closure:**

*Today we discussed sexual harassment. You are now able to define sexual harassment, list behaviors associated with sexual harassment, and explain societal factors which contribute to sexual harassment.*

## Objective 4.05

Demonstrate conflict resolution skills.

### Materials Needed

Appendix 1 – Transparency of Quotation about conflict by Edelman and Satcher  
Anger Management and Conflict Resolution PowerPoint presentation on the STHSH III CD-ROM

Poster paper, tape, markers

Overhead Projector

Appendix 2 – Copies of Identify the Conflict

Appendix 3 – Copies of Styles of Resolving Conflict

Appendix 4 – Copies of How I Resolve Conflict

Appendix 5a, b, c – Copies of Choices

### Focus:

#### PowerPoint: Anger Management and Conflict Resolution

You can use the Anger Management and Conflict Resolution PowerPoint presentation on the CD-ROM to display the quotation or make a transparency of Appendix 1.

- Place the quotation from Peter Edelman and David Satcher on a transparency.
- Arrange the class in small groups and instruct each group to discuss and write their interpretations of the quote on the poster paper.
- The groups should read their quotations aloud to the class.
- Post the interpretations around the classroom.
- Discuss the original quote and the interpretations as a class. Here are a few possible questions.
  - *Why is violence considered a public health problem?*
  - *Can violence be prevented?*

### Review:

Distribute copies of Identify the Conflict (Appendix 2). This activity will help students learn to identify conflicts. Ask the students to read each scenario and determine who and what the conflict involves.

### Statement of Objectives:

*Today we will talk about ways to demonstrate positive conflict resolution skills. By the end of the lesson you will be able to identify conflicts, brainstorm non-violent solutions and demonstrate positive conflict resolution skills.*

### Teacher Input:

*Violence is a serious problem in our society for people of all ages. Statistics on child abuse, spouse abuse, rape, suicide, homicide, assault, weapon carrying in schools, drug and gang "wars," and prison overcrowding indicate the problem is getting even worse.*

*Some of these violent acts can be prevented through education. All of us have learned ways, for better or worse, to deal with conflict. Many of us seem to have learned only violent ways, but anything learned can be unlearned and replaced with more appropriate skills. Research indicates that many violent youth are not even aware that non-violent alternatives for resolving conflicts exist. They have never seen these methods in action. It has never occurred to them to try anything other than violence.*

*The purpose of this lesson is to help students learn appropriate and healthful ways to deal with conflict, but violence is not the only target. Conflict, if not handled well, can contribute to a variety of unhealthy practices including drug use, unwise sexual behaviors, and unsafe driving. Conflict is at the root of many mental and social health issues as well. Habitual avoidance of conflict or always accommodating oneself to the wishes of others are, in addition to violence, learned but unproductive ways of dealing with conflict.*

*Conflict can be a useful indicator that a problem needs to be fixed. It is not all bad, but conflict produces nothing good for the student who is not skillful at resolving conflicts.*

Distribute to each student a copy of Styles of Resolving Conflicts (Appendix 3) and use a transparency to present the list of conflict resolution styles which have been identified by experts. Discuss the styles briefly.

#### **Guided Practice:**

- Ask the students to refer to the scenarios listed in the review step. Have small groups work together to brainstorm possible outcomes of the conflicts listed utilizing the different styles of conflict resolution (competing, avoiding, accommodating, compromising, cooperating, and collaborating). For each scenario, have the groups decide who “won,” who “lost,” how each person felt, and a likely outcome of the conflict.
- Have each group create a skit using a conflict from the scenarios and one of the conflict resolution skills. The skit must have a realistic, positive and non-violent resolution.
- Each group will perform their skits for the class. The teacher and the students should provide feedback about the conflict resolution skills used in the skits.

#### **Independent Practice:**

##### **Option 1**

- Explain that it is important for all of us to be aware of our usual style of resolving conflict. We can make a conscious effort to change our usual style if we are not satisfied with the results. Stress that there is not one way to handle every conflict. However, it makes sense that conflict resolutions without violence and with all parties at least partially satisfied are generally better. Conflicts solved by violence are not beneficial for anyone involved.
- Pass out the How I Resolve Conflicts handout (Appendix 4).
- Express to the students that they will not have to report their results to the class unless they choose to participate. Also explain that this is not a “personality” test or even a scientific questionnaire. The sole purpose is to stimulate students to think about how they deal with conflict in their own lives. Process the activity. Here are a few sample questions:
  - *What did you learn about yourself?*
  - *What are the potential positive and negative consequences of the way you handle conflict?*
  - *How can this exercise(s) improve a current relationship?*

##### **Option 2**

To apply the concepts of conflict resolution, ask students to brainstorm examples of conflicts they see every day (girlfriend/boyfriend is late in meeting you, again; you hear that an untrue rumor about you is going around school; your parents won't let you go to the dance; your sister borrows something of yours without asking). List students' examples on the board.

Distribute a copy of Choices (Appendix 5a, b, c) to each student. Ask students to read the scenario and alternate endings. Ask students if they think the endings are all realistic and why. Ask students if they think they would prefer one ending over another and why. Explain that it is valuable to consider different ways of resolving conflicts. Sometimes we can get stuck in a rut and not consider all of our options. When this happens, we probably are not resolving all of our conflicts as well as we might.

Divide the class into groups of 3 or 4, have groups select one of the conflicts listed on the board, think of as many ways as possible the conflict might have been or could be resolved, and make a list of these outcomes. Have groups select a different conflict and repeat the same procedure. Finally, ask groups to generalize from their lists. That is, ask each group to examine the outcomes they have described and try to identify some categories of ways people tend to resolve conflicts. After a few minutes, ask each group to report its categories. Record student suggestions marking paper.

Distribute to each student a copy of Styles of Resolving Conflicts (Appendix 3) and use a transparency made from it, to present the following list of conflict resolving styles which have been identified by experts. Discuss the styles briefly and ask students to relate the categories they previously generated to the list of styles on the transparency.

- competition (pursuing own goals; seeing conflict as a contest where one person wins and one loses)
- avoiding each other (not addressing the conflict; neglecting own needs and needs of others; no one wins)
- accommodating to the other party (giving in to the wishes of the other person; lose-win)
- compromising (satisfying some of the needs of each)
- cooperating (satisfying as many needs of each other as they can)
- collaborating (a win-win way of dealing with conflicts; fully satisfying own concerns as well as concerns of others)

Explain that it is important for all of us to be aware of our usual style of resolving conflicts. If we can identify how we typically resolve conflicts, we can make a conscious effort to change and try another style if we are not satisfied with the results of our normal style. Stress that there is no best way for all people to resolve all conflicts. Conflict resolution is a matter of judgment, but it makes sense that conflict resolutions which end up with all parties at least partly satisfied are generally better than other kinds. Interpersonal conflicts resolved by violence are not ultimately useful for anyone.

Give every student a copy of How I Resolve Conflicts (Appendix 4) and ask them to privately respond to the statements for themselves. State that they will not be required to reveal their responses.

When students have finished, briefly discuss each item so students will have a basis for interpreting the meaning of the questionnaire for themselves. Ask students for their interpretations of the meanings of the statements and responses. Caution students that this is

not a "personality" test or even a scientific questionnaire. The sole purpose is to stimulate students to think about how they go about dealing with conflict in their own lives.

Assign the following situation for homework: Tim and Jake are in a conflict about some money which Jake lent to Tim. Tim has not repaid the money. Have the students write examples of how this conflict might be handled using each of the following styles: competition, avoidance, accommodation, compromise, collaboration, and cooperation.

Encourage students to notice the variety of conflict situations in which they find themselves how they are handled.

**Closure:**

*Today we discussed positive ways to manage conflict. You now have the knowledge and skills to identify conflict and apply positive conflict resolution skills in your personal life.*

## Objective 4.06

### Formulate principles for healthful dating relationships

#### Materials Needed:

Index cards

Appendix 1 – Transparency of Dating Bill of Rights

Appendix 2 – Healthy vs. Unhealthy Relationship Behaviors (slips cut apart)

Appendix 3 – Copies of Relationships Contract

Appendix 4 – Copies of Go Out, Have Fun, Date, and Be Safe

Poster board, markers, contact paper, construction paper, newsprint, arts and craft materials

Appendix 5 – Rubric for Making a Brochure: Unhealthy Dating Relationships

Unhealthy Dating Relationships Brochure Template, STHSH III CD-ROM

Unhealthy Dating Relationships Brochure Rubric, STHSH III CD-ROM

#### Review:

Explain to students that dating can be a rewarding and fun experience. In order to get the most out of dating experiences, students need to use effective communication to convey expectations to their dating partners and should know their rights and responsibilities concerning dating.

- Divide the students into four or five co-ed groups. Distribute index cards with the following questions to each group.
  1. What do girls look for in a boy?
  2. What do boys look for in a girl?
  3. What behaviors on a date might make you feel uncomfortable? Why?
  4. Who should pay for a date? Why?
- Ask each group to choose a recorder to take notes on the main points discussed by the group and a reporter who will read the results of the group's discussion of each question. Allow 10-15 minutes for the groups to discuss the questions. Ask each reporter to describe the answers their groups came up with to the entire class.
- Process the activity by asking students if they were surprised by any of the answers they heard. Explain that effective communication about relationships and dating can help students avoid unpleasant surprises and experiences.

#### Focus:

- Read the following story from an anonymous female author to the class. Be sure to tell the students that although this story is written by a female about her male abusive partner, unhealthy relationships can happen to boys or girls and within opposite and same sex relationships.

*It started off like most relationships do. He was nice, good looking, and seemed to be interested in a lot of the things I was. Everything was going great for a while until he started getting overly concerned with where I was going and with whom I was spending time.*

*I didn't mind so much at first because I figured he must really love me to be so worried about me all the time. But then he began criticizing my clothes telling me I was dressing too "sexy" and accused me of flirting with other guys. He started getting jealous any time I wanted to go out with my friends, and he even accused me of cheating. We were arguing all the time and I began feeling like I couldn't do anything right anymore.*

*Sometimes he would get so mad I worried he might hit me. Luckily, he never did. The interesting thing is that I thought abuse just meant violence. I learned later that abuse can mean a lot of things.*

*The criticism never stopped and we eventually broke up because I realized that in his eyes, I would never be good enough.*

*I was lucky because a lot of people involved in emotionally abusive relationships don't realize it until it escalates out of control. I learned that sometimes, abuse can even feel like love.*

- Process the story with the class by having the students take out their health journals and free write for five minutes. Discuss the story as a class. Some suggested questions are:
  - *Can abusive relationships happen in teen relationships?*
  - *What behaviors listed in the story can be considered unhealthy?*
  - *Why do you think the author stayed with her boyfriend after he began treating her so badly?*

#### **Statement of Objectives:**

*Today we are going to discuss healthy dating relationships. By the end of the lesson, you will be able to describe a healthy relationship, recognize behaviors may be considered unhealthy, and describe principles for healthy dating relationships.*

#### **Teacher Input:**

*Dating violence is defined as a threat or act of violence against one member of a dating relationship by the other member of the dating relationship. This includes acts of sexual violence, physical abuse, as well as verbal and/or emotional abuse. When most people think about dating/domestic violence, they immediately think of adult victims. However, this issue affects teenagers also.*

*According to the Centers for Disease Control, one in four eighth and ninth grade students will be victims of a nonsexual violent incident at the hands of a dating partner. The study goes on to report that one in twelve eighth and ninth grade students are victims of sexual violence which is perpetrated by a dating partner. Minimal experience with relationships, poor relationships with parents, and lack of a healthy support network are all reasons which make teenagers vulnerable to dating violence.*

*Dating violence affects teens from all walks of life. It happens to teenagers of both genders, all socioeconomic levels, all geographic regions, and all ethnic groups. The effects of a violent relationship can be devastating. The teen may suffer from low self-esteem, become involved with alcohol and drugs, as well as engage in risky sexual behaviors which may lead to sexually transmitted diseases and/or unplanned pregnancies. Many people often wonder what keeps a teenager in a violent relationship. One reason a teenager might stay in an abusive relationship is because they may confuse jealousy and possessiveness with love. Teen victims often think any attention is better than no attention at all. Teens need to understand that conflict in relationships is okay. Violence is never ok. Another reason teenagers may stay in a violent relationship is that the victim is afraid the abuser will hurt or kill them if they attempt to leave the relationship or seek help. A victim may attempt to seek help from a parent or a teacher who might not take the teenager seriously due to their young age. This can be devastating to a young person who is looking for support or guidance. Often times the abuser has told the victim that no one will believe him or her or be able to help.*

*Parents, teachers, and anyone who works around teenagers need to be aware of the signs of dating violence. Signs of abuse can include, but are not limited to, physical abuse (hitting, pushing, or kicking), sexual abuse (forced sexual acts or intercourse, refusing to wear or use contraception), emotional/verbal abuse (threatening violence, breaking things, put-downs). The most important thing to remember is the abuse is never the victim's fault. Teenage victims need the support of their friends, family, teachers, and community. If a teenager you know is being abused, there are several things you can do to help. First, be supportive, listen, and believe his or her story. The next step is to make sure the victim does not need any medical attention. Help the teen decide what is the best course of action for his or her individual situation. Your local domestic violence agency can help educate the victim about his or her options.*

### **Guided Practice:**

Part 1: Explain to students that dating can be a rewarding and fun experience. In order to get the most out of dating experiences, students need to use effective communication to convey expectations to their dating partners and should know their rights and responsibilities concerning dating.

- Show the transparency of Dating Principles (Appendix 1). Place the students in groups of four or five. Assign each group the task of reading each 'right' and discussing examples of how this 'right' would benefit a healthy teen relationship. The groups should choose the three 'rights' they liked most and share with the class.
- Once each group has reported, ask individual students to choose the 'right' with which they feel the least comfortable (the behavior they may have difficulty claiming as their 'right'). For example, some students may feel uncomfortable saying 'no' to their dating partners. Once the students have identified a couple of 'rights' with which they feel uncomfortable, have them complete an in-class writing activity. The students should answer the following questions:

1. *Why do I feel uncomfortable with this 'right'?*
2. *What can I do to feel more comfortable with this 'right'?*
3. *Who in my life could assist me with this process?*

Share answers in small groups.

Part 2: It is important that teenagers realize there are some behaviors which are not normal in a healthy relationship. Explain to the class this next activity will help them learn to identify behaviors which support a healthy relationship.

Distribute the behaviors listed on the slips of paper to the students (created from Appendix 2, Healthy vs. Unhealthy Relationship Behaviors). On the board write the word **HEALTHY** on the left hand side of the board and the word **UNHEALTHY** on the right side of the board. Give the students a small piece of tape and have them decide where on the relationship continuum (which you have just created on the board) their slip of paper should be placed. Discuss each behavior and agree as a class whether the behavior is healthy, unhealthy or if it depends on the situation. (Answers for teacher: Healthy—laughing, friendship, intimacy, sharing, compromise; Unhealthy—control, blaming, fear, yelling, hitting, pushing, crying; Depends on Situation—laughing (both people should be having fun), crying (sometimes even healthy relationships have their hard times). There may be other answers if the students give a valid compelling argument.

Part 3: Explain to the class that a contract is an agreement between two people. Safe, fun dates do not just happen—they require a lot of planning and effective communication. This activity will help the students think through some of the more difficult aspects of dating.

Distribute a copy of the Dating Contract (Appendix 3) to each student. Ask them read the contract. Ask if this is a form they would use with a dating partner. Are there any questions on the contract which would make them feel uncomfortable discussing with a dating partner? Why or Why Not? Ask the students to add additional questions which might be important in future dating relationships.

Pass out a copy of the Go Out, Have Fun, and Date (Appendix 4) to each student. Place the student in groups and have them create a safe and healthy date for a teenager in your county. Once each group is finished, have the groups write their dates on newsprint and display around the school as suggestions for other students. Keep in mind the date must follow the guidelines suggested in the Go Out, Have Fun and Date. The date must also follow these rules:

- o Two to four hours in duration
- o Cannot spend more than 25 dollars
- o No sexual intercourse
- o No fast food
- o No movies
- o Must avoid high risk activities and/or behaviors

### **Independent Practice:**

#### **Option 1**

Tell the students they are going to create a want ad describing the kind of person and the type of healthy relationship they want. The students can be as creative as they wish. The want ad must include their qualities, desired partner's qualities, hobbies, and interests. The students can use arts and craft supplies, the computer, and magazines to create their want ads. The goal of this activity is to be creative and utilize the skills and knowledge from this lesson. This project will be turned in at a later class to give the students adequate time to work on the project.

#### **Option 2**

##### Unhealthy Relationship Brochure Template

##### Unhealthy Relationship Brochure Rubric

Put students in pairs and have them create a brochure to be distributed at your school and to students at your middle school. Using the Unhealthy Dating Relationship Brochure Template, each pair will research and enter in the information requested. They have the freedom to change graphics in their project, but they will have to save it with a different name. Use the Unhealthy Dating Relationship Brochure Rubric (Appendix 5 and the STHSH III CD-ROM) to grade student projects.

### **Closure:**

*Today we discussed healthy relationships. You are now able to describe healthy relationships, recognize behaviors which may be considered unhealthy, and describe principles necessary to formulate healthy relationships.*



**HOUSE BILL 1354  
SESSION LAW 2004-186**

**AN ACT TO STRENGTHEN THE LAWS AGAINST DOMESTIC VIOLENCE, TO PROVIDE ADDITIONAL ASSISTANCE TO DOMESTIC VIOLENCE VICTIMS, AND TO MAKE OTHER CHANGES AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE**

Presentation to the N.C. Council for Women/Domestic Violence Commission  
September 30, 2004

**James B. Black**  
**Speaker**



**Richard T. Morgan**  
**Speaker**

**Office of the Speaker**  
**North Carolina House of Representatives**  
**Raleigh, North Carolina 27601-1096**

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## **HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE**

**To the Honorable Members of the North Carolina House of Representatives:**

**WHEREAS**, North Carolina lost 74 people as a result of domestic violence homicides in 2002, an average of one person every five days according to information collected by the N.C. Coalition Against Domestic Violence; and

**WHEREAS**, experts in the field of domestic violence recognize that misdemeanor domestic violence cases can quickly escalate from misdemeanors to homicide cases; and

**WHEREAS**, a study of 238,000 misdemeanor cases from January 1, 1997 to October 11, 2002, indicates that there is a wide disparity between North Carolina Judicial Districts as to the successful prosecution of misdemeanor domestic violence cases; and

**WHEREAS**, the public has an interest in addressing the problem of domestic violence due to the deleterious effects on families, children, places of employment, and our communities; and

**WHEREAS**, the state owes a duty to its citizens to provide adequate remedies for pervasive problems that impact the health and welfare of its citizens.

**NOW, THEREFORE;**

**Section 1. The House Select Committee on Domestic Violence**  
is established by the Speakers, effective August 12, 2003, as a select committee  
of the House under G.S. 120-19.6(a) and Rule 26(a) of the Rules of the House of  
Representatives of the 2003 General Assembly.

**Section 2. The Select Committee consists of 24 members. The**  
individuals listed below are appointed to the Select Committee. Members serve  
at the pleasure of the Speakers.

1. Representative Marian McLawhorn, Co-Chair
2. Representative Wilma Sherrill, Co-Chair
3. Representative Alma Adams
4. Representative Lucy Allen
5. Representative Joni Bowie
6. Representative Lorene Coates
7. Representative Margaret Dickson
8. Representative Beverly Earle
9. Representative Jean Farmer-Butterfield
10. Representative Michael Gorman
11. Representative Julia Howard
12. Representative Linda Johnson
13. Representative Carolyn Justice
14. Representative Carolyn Justus
15. Representative Mary McAllister
16. Representative Tim Moore
17. Representative Earline Parmon
18. Representative Karen Ray
19. Representative Deborah Ross
20. Representative Mitchell Setzer
21. Representative Paul Stam
22. Representative Edith Warren
23. Representative Jennifer Weiss
24. Representative Keith Williams.

**Section 3. The Select Committee shall review the causes of domestic**  
violence, the laws related to domestic violence in North Carolina, the law  
enforcement and judicial system responses to domestic violence cases, the  
severity of criminal penalties in domestic violence cases, the effectiveness of the

1999 Crime Victims' Rights Act, and the adequacy of the data collection systems tracking domestic violence cases and homicides.

**Section 4.** The Select Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives, on or before April 15, 2004, by filing a report with the Speakers' offices, the House Principal Clerk, and the Legislative Library. The Select Committee terminates when the final report is filed.

**Section 5.** The Select Committee is authorized to meet during the interim period between regular sessions upon the call of its Co-Chairs.

**Section 6.** The Select Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

**Section 7.** Members of the Select Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

**Section 8.** The expenses of the Select Committee shall be paid upon the written approval of the Speakers pursuant to G.S. 120-35 from funds available to the House of Representatives for its operation.



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James B. Black  
Speaker



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Richard T. Morgan  
Speaker

**HOUSE SELECT COMMITTEE ON DOMESTIC VIOLENCE  
SUBCOMMITTEES**

**CIVIL LAW AND JUDICIAL ADMINISTRATION**

**Rep. Ross – Chair  
Rep. Moore  
Rep. Dickson  
Rep. McAllister  
Rep. Earle**

**(Wendy Ray – Staff)**

**CRIMINAL LAW ISSUES**

**Rep. Stam – Chair  
Rep. Earle - Chair  
Rep. Weiss  
Rep. Justus  
Rep. Johnson  
Rep. Gorman**

**(Hal Pell – Staff)**

**TREATMENT, PREVENTION, EDUCATION AND JUVENILE ISSUES**

**Rep. Bowie – Chair  
Rep. Coates  
Rep. Justice  
Rep. Parmon  
Rep. Adams  
Rep. Allen**

**(Susan Sitze – Staff)**

**VICTIM SERVICES**

**Rep. Warren – Chair  
Rep. Setzer  
Rep. Ray  
Rep. Howard  
Rep. Williams  
Rep. Farmer-Butterfield**

**(Susan Sitze – Staff)**

## **EXCERPT FROM 2004 SUMMARIES PUBLICATION**

[http://www.ncleg.net/LegislativePublications/researchdivision/\\_summariesofsubs/\\_summariesofsubs-4/default.htm](http://www.ncleg.net/LegislativePublications/researchdivision/_summariesofsubs/_summariesofsubs-4/default.htm) .

### **Strengthen Domestic Violence Laws**

S.L. 2004-186 (HB 1354) makes various changes to strengthen the laws against domestic violence and to provide additional assistance to domestic violence victims.

**Part I: Domestic Violence Offender Treatment.** – The act requires attendance and completion of an abuser treatment program while on probation if the court finds that the defendant is responsible for acts of domestic violence and there is a program reasonably available to the defendant. If the court makes those findings, the court must order the treatment as a regular condition of probation unless the court finds that it would not be in the best interest of justice.

The act also requires the Department of Correction to establish a domestic violence treatment program for offenders in the custody of the Department whose official record includes a finding by the court that the offender committed acts of domestic violence. The Department must ensure that those inmates complete the domestic violence treatment program prior to being released, unless other requirements deemed critical by the Department prevent program completion. If the inmate does not complete the program, the Department must document, in the inmate's official record, specific reasons why that inmate did not or was not able to complete the program.

This part is effective December 1, 2004 and applies to offenses committed on or after that date.

**Part II: Domestic Violence Training for Law Enforcement.** – The act requires the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission to establish minimum standards for training of law enforcement officers in domestic violence. The training standards shall be developed for entry-level employment, for in-service training, and for certification of instructors, and shall include training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence based prosecutions.

The Commissions must have the training in place no later than March 1, 2005 and must report to the General Assembly on or before March 1, 2005 on the exact standards implemented and the date they were implemented.

This part became effective August 12, 2004.

**Part III: Study of Anti-Violence Education in Schools and Training for School Personnel.** – The act requires the Department of Public Instruction, in collaboration with the State Board of Education, to study the issue of anti-violence programs in schools. The Department is directed to address several questions and to look at different programs used across the country.

The Department is required to issue a preliminary report to the House Select Committee on Domestic Violence and the Joint Legislative Oversight Committee by November 15, 2004, and a final report to Education Oversight and the General Assembly by January 15, 2005.

The act also requires the Department of Public Instruction, in collaboration with the State Board of Education, to study training for school personnel dealing with students who are victims of physical violence and mental or verbal abuse, particularly instances of domestic and relationship violence.

The Department is required to issue a preliminary report to the House Select Committee on Domestic Violence and the Joint Legislative Oversight Committee by November 15, 2004, and a final report to Education Oversight and the General Assembly by January 15, 2005.

This part became effective August 12, 2004.

**Part IV: Legal Services for Victims of Domestic Violence.** – The act creates a new Domestic Violence Victim Assistance Act to provide legal services to domestic violence victims. This section requires the North Carolina State Bar to disburse funds under this act to legal services organizations that provide legal services to domestic violence victims.

The funds are disbursed to the organizations based on the counties they serve, with each county receiving a fixed 20% amount and the remaining 80% of the funds distributed to the counties based on the rate of actions filed for 50B domestic violence protective orders in that county.

The act creates a \$100 fee for pro hac vice motions in North Carolina. A pro hac vice occurs when an out of state attorney, who is not licensed to practice law in North Carolina, asks a North Carolina court to allow that attorney to appear in court in North Carolina for one particular case. Currently, North Carolina does not charge any fee for these motions, although many states do. The fees collected go to the General Court of Justice.

The act also sends ninety-five cents (\$.95) of each civil and criminal court fee to the State Bar to fund the provisions of Section 4.1 of this act.

The fee for pro hac vice motions becomes effective October 1, 2004, and applies to all motions filed on or after that date. The sections that authorize that \$.95 of each civil and criminal court fee go to the State Bar become effective October 1, 2004, and apply to fees assessed or paid on or after that date. The section that creates a new Domestic Violence Victim Assistance Act became effective August 12, 2004.

**Part V: Domestic Violence Advocates on Child Fatality Task Force.** – The act adds two domestic violence advocates to the Child Fatality Task Force. This provision removes 2 public members from the task force and adds a representative from the North Carolina Domestic Violence Commission, appointed by the Speaker, and a representative from the North Carolina Coalition Against Domestic Violence, appointed by the President Pro Tempore. The public members being removed must complete their current terms.

This part became effective August 12, 2004.

**Part VI: Study of Mental Health Services for Domestic Violence Victims.** – The act requires the Department of Health and Human Services to study and develop a plan for serving clients of domestic violence programs with mental health and substance abuse service needs, including providing diagnostic and referral services.

The Department is required to make a preliminary report to the House Select Committee on Domestic Violence and the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities and Substance Abuse Services by October 1, 2004, and a final report to Mental Health Oversight and the General Assembly by January 15, 2005.

This part became effective August 12, 2004.

**Part VII: Study of CLE Credit for Pro Bono Legal Representation.** – The act requires the North Carolina State Bar, in cooperation with the North Carolina Bar Association, to study the issue of providing Continuing Legal Education (CLE) credit to active attorneys for providing pro bono legal representation. The Bar is required to make a preliminary report to the House Select Committee on Domestic Violence by October 1, 2004, and a final report to the General Assembly by January 15, 2005.

This part became effective August 12, 2004.

**Part VIII: Domestic Relationship Aggravating Factor.** – The act amends the portion of the Criminal Procedure Act that applies to aggravating the sentence for a defendant who has been convicted of a felony offense. In felony sentencing, there are three ranges for the sentencing judge to determine a minimum sentence length.

Following is an example of the sentencing options for a person who has been convicted of a Class D felony, and who has no prior record points (no prior offenses):

Aggravated Range: 64-80 Months

Presumptive Range: 51-64 Months

Mitigated Range: 38-51 Months

If a court finds that aggravating or mitigating circumstances exist, it may depart from the presumptive range. If the aggravating factors present outweigh the mitigating factors that may be present, then the court may sentence in the aggravated range (and vice versa). [Note: If a firearm is used, displayed, or threatened to be used in the course of the offense, a separate statute provides that an additional 60 months may be added to the minimum sentence.]

One of the current statutory aggravating factors is set forth at G.S. 15A-1340.16(d)(15): "The defendant took advantage of a position of trust or confidence to commit the offense." The factor generally has been applied to defendants who have been in a fiduciary relationship with the victim, e.g., embezzled money from the victim.

The amendment clarifies that a defendant may also take advantage of the trust or confidence in a domestic relationship to commit the offense. "Domestic relationship" is not defined in the section; however, domestic violence is defined by statute [G.S. 50B-1(a)], and applies to those with whom the defendant has a "personal relationship." G.S. 14-134.3, Domestic Criminal Trespass, has a more restrictive application. It applies to a present or former spouse, or when the parties had lived together as married. The State has the burden of proving that the defendant did, in fact, take advantage of the relationship to commit the offense. If the trial judge sentences in the aggravated (or mitigated) range, then the judge must make written findings.

This part becomes effective December 1, 2004, and applies to offenses committed on or after that date.

**Part IX: Create Strangulation Offense.** – The act creates a new criminal offense: assault by strangulation. The offense is a Class H felony. The State has the burden of proving that the defendant attempted to strangle the victim, and cause physical injury by the act of strangulation. A first time offender would be subject to community punishment, intermediate punishment, or an active sentence. The presumptive range for an active sentence would be a minimum of 5-6 months.

Although the term "serious bodily injury" is defined by statute, the terms "serious injury" and "physical injury" are not. Whether or not serious or physical injury has occurred is a jury determination, based upon common law.

This part becomes effective December 1, 2004, and applies to offenses committed on or after that date.

**Part X: Amend Habitual Misdemeanor Assault Statute.** – The act amends the habitual misdemeanor assault statute by:

- Reducing the number of necessary prior convictions from five to two;
- Allowing any prior assault conviction (whether misdemeanor or felony) to count as a prior conviction, with the earlier conviction no more than 15 years prior to the current violation;
- Requiring that the assault involved physical injury to the victim; and

- Providing that a conviction of the statutory offense could not be used as a prior felony conviction for any other habitual offense statute.

Currently, an offender must have five prior misdemeanor convictions, two of which are assault convictions, to qualify as a habitual misdemeanor assault offender on a third assault conviction.

This part becomes effective December 1, 2004, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this part are not abated or affected by this part, and the statutory provisions that would be applicable but for this part remain applicable to those prosecutions.

**Part XI: Domestic Violence Offense Tracking.** – The act adds a new provision to provide for reporting offenses involving domestic violence. In cases involving assault or communicating a threat, the judge will determine whether there was a personal relationship between the offender and the victim. If so, there will be an annotation on the judgment to reflect that the case involved domestic violence. The clerk of court is required to make the appropriate entry into the offender's official criminal record to reflect that the offense involved domestic violence.

- The offender has to be in a personal relationship, as defined by statute.
- The entry will be made in all cases (including a murder), where the underlying conduct was assaultive in nature.
- Any person making a lawful inquiry into a person's criminal history will be able to determine that the person has been convicted of an offense involving domestic violence.

If the judge determines that there was a personal relationship, then the judge is also required to determine whether the defendant should be required to comply with any special conditions of probation. Due to an ambiguity in the statutes, the new provision makes clear that the judge may (but is not required to) sentence the defendant to house arrest with electronic monitoring.

This part is effective December 1, 2004, and applies to offenses committed on or after that date.

**Part XIII: Study of Misdemeanor Offense Classifications.** – The act requires the North Carolina Sentencing and Policy Advisory Commission to study the classification of misdemeanor offenses, and to develop a system for classifying misdemeanor offenses based upon their severity. The Commission is required to examine the classification of assault offenses in relation to property offenses, crimes against society, and felony assault offenses. This section includes a finding by the General Assembly that the classification of assault offenses that cause serious injury as misdemeanors is inconsistent with the Commission's own classification of felonies based upon harm. The Commission is required to report to the 2005 General Assembly, 2005 Regular Session, with its findings and recommendations (status and any completed recommendations). A final report is due to the 2005 General Assembly, 2006 Regular Session.

This part became effective August 12, 2004.

**Part XIII: Warrantless Arrest for Violation of Pretrial Release Conditions.** – The act amends the law to provide that if a law enforcement officer has probable cause to believe that a person has violated a condition of a pretrial release order in a domestic violence case, then the officer may arrest the defendant without a warrant. The arrest must be based upon a violation of one of the following provisions of a release order issued under G.S. 15A-534.1(2):

- That the defendant stay away from the home, school, business or place of employment of the alleged victim;
- That the defendant refrain from assaulting, beating, molesting, or wounding the alleged victim;
- That the defendant refrain from removing, damaging or injuring specifically identified property; or
- That the defendant may visit his or her child or children at times and places provided by the terms of any existing order entered by a judge.

A pretrial release order in a domestic violence case may be entered where the defendant has been arrested for assault on, communicating a threat to, domestic criminal trespass, or committing various felonies upon a spouse or former spouse, or upon someone with whom the defendant has lived as if married.

This part becomes effective December 1, 2004, and applies to offenses committed on or after that date.

**Part XIV: Conform State Firearms Law to Federal Law.** – The act amends North Carolina law to provide that a person who is a convicted felon may not possess any firearm. A "firearm" would be defined to parallel the definition of "firearm" under federal law. Current State law allows a convicted felon to own guns with a barrel length that is 18 inches or longer, or an overall length of 26 inches or more. It also allows convicted felons to possess any firearm in their home or "place of business".

This part becomes effective December 1, 2004, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutory provisions that would be applicable but for this act remain applicable to those prosecutions.

**Part XV: Specifically Allow Cross Warrants.** – The act clarifies that a judicial official cannot refuse to issue a warrant solely because a warrant had been issued for the arrest of another person in the same case.

This part became effective August 12, 2004.

**Part XVI: Clarify Nurse's Privilege.** – The act clarifies that if a written or printed record (as opposed to live testimony) is otherwise admissible (e.g., not excluded by the hearsay rule), then it may be entered into evidence. The nurse's privilege applies to any information that the nurse acquired that was necessary to render professional nursing services. If the information was not necessary to the rendering of services, then the nurse may be required to disclose the information. A presiding judge may compel the disclosure of evidence if the judge believes that its disclosure is necessary for a proper administration of justice.

The act also makes a technical change to add the nurse's privilege (passed last Session), in the provision that excludes evidence of child abuse from the physician-patient privilege in juvenile proceedings.

This part becomes effective December 1, 2004.

**Part XVII: Temporary Child Custody in Domestic Violence Hearings.** – The act removes the current limitations under which courts may address temporary custody under Chapter 50B.

*Custody under Chapter 50B at the ex parte stage.* – The act amends the law regarding ex parte custody orders by allowing the court to enter orders at that stage if the child is exposed to a substantial risk of physical or emotional injury (not "bodily" injury) or sexual abuse. This gives the court more discretion in deciding when a child is at risk.

The changes also require the court, if requested by the aggrieved party, to consider whether the other party should stay away from the child, or return the child to, or not remove the child from, the physical care of a parent or person in loco parentis. If the court decides the other party should have contact with the child, it is required to issue an order specifying the terms of contact to protect the safety of the child and the aggrieved party.

The same provisions apply to an authorized magistrate issuing an ex parte protective order.

*Custody under Chapter 50B at a hearing following notice to the other party.* – The act creates new requirements for the court when deciding whether to award temporary custody and visitation rights at a hearing under Chapter 50B after the other party has received notice or service of process. Rather than being discretionary, the court is required to consider the issue of custody upon the request of either party. However, it ultimately is within the discretion of the court to decide whether to actually grant an award of custody.

In determining whether custody and visitation should be awarded, the court is required to consider the following listed factors:

- Whether the child was exposed to a substantial risk of physical or emotional injury or sexual abuse.
- Whether the child was present during acts of domestic violence.
- Whether a weapon was used or threatened to be used during any act of domestic violence.
- Whether a party caused or attempted to cause serious bodily injury to the aggrieved party or the child.
- Whether a party placed the aggrieved party or the child in reasonable fear, of imminent serious bodily injury.
- Whether a party caused an aggrieved party to engage involuntarily in sexual relations by force, threat, or duress.
- Whether there is a pattern of abuse against an aggrieved party or the child.
- Whether a party has abused or endangered the child during visitation.
- Whether a party has used visitation as an opportunity to abuse or harass the aggrieved party.
- Whether a party has improperly concealed or detained the child.
- Whether a party has otherwise acted in a manner that is not in the best interest of the child.

If the court decides to award temporary custody, then the court is also required to consider visitation. If ordering visitation, the court must provide for the safety and well being of both the child and the aggrieved party. The order must give specific parameters or conditions for the visitation, and may include any of the following:

- Exchange of the child in a protected setting;
- Supervised visitation;
- Treatment for the non-custodial parent;
- Restricting either parent from possessing or consuming controlled substances;
- Requiring the non-custodial parent to pay for supervised visitation;
- Prohibiting overnight visitation;
- Requiring a bond for the return of the child;
- Ordering an investigation or appointment of GAL for the child; and
- Any other conditions deemed necessary.

Duration of orders. – The duration of temporary custody orders entered under Chapter 50B are limited to a maximum of one year. While a protective order can generally be renewed indefinitely, any provisions awarding custody are not eligible for renewal beyond the initial one-year period. In addition, any subsequent custody order entered under Chapter 50 will supersede a temporary order entered under Chapter 50B.

Custody under Chapter 50. – G.S. 50-13.2 is amended so that the new provisions set out in Chapter 50B, requiring courts to consider specific listed factors, apply in all custody cases where the court finds that domestic violence has occurred.

This part becomes effective October 1, 2004, and applies to actions filed on or after that date.

**Part XVIII: Prohibit Employment Discrimination Against Domestic Violence Victims.** – The act adds a section to Chapter 50B prohibiting employers from discriminating against an employee for taking reasonable time off to appear in court when he or she is seeking relief under Chapter 50B. The employee is required to follow the employer's usual leave procedures, unless an emergency prevents the employee from doing so. An employer may require documentation of the emergency that prevented advance notice of the time off and/or of the need to appear in court.

This provision will be enforced by the Commissioner of Labor pursuant to Article 21 of Chapter 95 (Retaliatory Employment Discrimination). Under Article 21, if an employee feels that a violation has occurred, he or she may file a complaint with the Commissioner, who will initiate an investigation. If the Commissioner determines that there is reason to believe the allegations are true, the Commissioner may try to resolve the alleged violation through informal methods. If the

Commissioner is unsuccessful, he or she must file a civil action on behalf of the employee or issue a right to sue letter to the employee enabling the employee to bring a civil action. The court may award any or all of the following types of relief:

- An injunction to enjoin continued violation;
- Reinstatement of the employee;
- Reinstatement of full fringe benefits and seniority rights; and
- Compensation for lost wages, lost benefits, and other economic losses. (If the court finds that the violation was willful, the court shall treble the amount of damages awarded.)

This part becomes effective October 1, 2004, and applies to actions filed on or after that date.

**Part XIX: Privacy for 50B Intake.** – The act requires the clerk of superior court, whenever feasible, to provide a private area for 50B complainants to fill out forms and make inquiries.

This part became effective August 12, 2004.

**Part XX: Training for Judges and Court Personnel.** – The act requests the North Carolina Supreme Court to adopt rules establishing minimum standards of education and training for district court judges in handling civil and criminal domestic violence cases.

The act also directs the Administrative Office of the Courts to study the issue of training for court personnel in the area of domestic violence, and to report its findings and recommendations to the 2005 Regular Session of the 2005 General Assembly.

This part became effective August 12, 2004. (SS)

## **Child Restraint Systems Modified**

S.L. 2004-191 (SB 1218). See **Transportation**.

## **Notice for Child Support Enforcement**

S.L. 2004-203, Sec. 42 (HB 281, Sec. 42). See **Civil Law and Procedure**.

## **Studies**

### **New/Independent Studies/Commissions**

#### **Smart Start Funding Study**

S.L. 2004-161, Part XXXV (SB 1152, Part XXXV) establishes a Smart Start Funding Study Commission. The Commission shall study the funding of the North Carolina Partnership for Children, Inc. and shall consider the following:

- The current funding system of the North Carolina Partnership for Children, Inc.
- Strategies for achieving full funding and full service for North Carolina's young children and families.
- Funding equity among all counties and local partnerships.
- Any other information the Commission deems relevant.

