

N.C.P.I.—Crim—226.72B
CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—STATEMENTS
LIKELY TO PROVOKE ACTION. MISDEMEANOR.
CRIMINAL VOLUME
JUNE 2013
N.C. Gen. Stat. § 14-458.2 (b)(2).

226.72B CYBER-BULLYING OF SCHOOL EMPLOYEE BY STUDENT—
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The defendant has been charged with the cyber-bullying of a school employee.

For you to find the defendant¹ guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that the defendant used a [computer] [computer network];

Second, that the defendant made a statement, whether true or false, that was likely to provoke a third party to [stalk] [harass] (*name school employee*);

Third, that the defendant made the statement with the intent to immediately provoke a person to [stalk] [harass] (*name school employee*), a school employee;

Fourth, that the defendant was a student at (*name school*);

And Fifth, that the victim of the cyber-bullying was a school employee.²

1 G.S. 14-458.2 (a)(2) defines "student" as "a person who has been assigned to a school by a local board of education as provided in G.S. 115C-366; or has enrolled in a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, or a person who has been suspended or expelled from any of these schools within the last year."

2 G.S. 14-458.2 (a)(1) defines "school employee" as "(a) An employee of a local board of education, a charter school authorized under G.S. 115C-238.29D, a regional school created under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General statutes. (b) An independent contractor or an employee of an independent contractor of a local board of education, a charter school authorized under G.S. 115C-238.29D, a regional school created

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a student and used a [computer] [computer network] to make a statement, whether true or false, that was likely to provoke a third party to [stalk] [harass] (*name school employee*), a school employee, that the defendant made the statement intending to immediately provoke a person to [stalk] [harass] (*name school employee*), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

under G.S. 115C-238.62, or a nonpublic school which has filed intent to operate under Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, if the independent contractor carries out duties customarily performed by employees of the school.”