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HOUSE BILL NO. 2266

Offered January 12, 2005

Prefiled January 11, 2005

A BILL to amend and reenact §§ 22.1-208.01, 22.1-279.3:1, and 22.1-279.6 of the Code of Virginia, relating to school board policies relating to bullying, harassment, and intimidation.

Patrons—Bell, Albo, Athey, Carrico, Eisenberg, Fralin, Frederick, Hugo, Janis, Johnson, Kilgore, Phillips, Sherwood and Stump

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-208.01, 22.1-279.3:1, and 22.1-279.6 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-208.01. Character education required.

A. Each school board shall establish, within its existing programs, a character education program in its schools. The purpose of the character education program shall be to instill in students civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems, and develop civic-minded students of high character. The components of each program shall be developed in cooperation with the students, their parents, and the community at large. The basic character traits taught may include (i) trustworthiness, including honesty, integrity, reliability, and loyalty; (ii) respect, including the precepts of the Golden Rule, tolerance, and courtesy, and the inappropriateness of bullying, intimidation, and harassment of others; (iii) responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance, and self-control; (iv) fairness, including justice, consequences of bad behavior, principles of nondiscrimination, and freedom from prejudice; (v) caring, including kindness, empathy, compassion, consideration, generosity, and charity; and (vi) citizenship, including patriotism, the Pledge of Allegiance, respect for the American flag, concern for the common good, respect for authority and the law, and community-mindedness.

Classroom instruction may be used to supplement a character education program; however, each program shall be interwoven into the school procedures and environment and structured to instruct primarily through example, illustration, and participation, in such a way as to complement the Standards of Learning.

This provision is intended to educate students regarding those core civic values and virtues which are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in § 7.1-26, may be taught as representative of such civic values. Nothing herein shall be construed as requiring or authorizing the indoctrination in any particular religious or political belief.

B. The Board of Education shall establish criteria for character education programs, consistent with the provisions of this section. To assist school divisions in implementing character education programs and practices that are designed to promote the development of personal qualities as set forth in this section and the Standards of Quality and that will improve family and community involvement in the public schools, the Board of Education shall also establish, within the Department of Education, the Commonwealth Character Initiative. The Board shall provide resources and technical assistance to school divisions regarding successful character education programs and shall (i) identify and analyze effective character education programs and practices and (ii) collect and disseminate among school divisions information regarding such programs and practices and potential funding and support sources. The Board may also provide resources supporting professional development for administrators and teachers in the delivery of any character education programs.

C. The Board of Education shall award, with such funds as are appropriated for this purpose, grants to school boards for the implementation of innovative character education programs.

§ 22.1-279.3:1. Reports of certain acts to school authorities.

A. Reports shall be made to the division superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery which that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity or any conduct described as stalking in § 18.2-60.3 that occurs on a school bus, on school property, or at a school-sponsored activity; (iii)

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58 any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an
59 anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the
60 theft or attempted theft of student prescription medications; (iv) any threats against school personnel
61 while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a
62 firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs,
63 explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or
64 incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a
65 school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to
66 bomb, as described in § 18.2-83, made against school personnel or involving school property or school
67 buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property,
68 or at a school-sponsored activity, including the charge therefor.

69 B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1,
70 local law-enforcement authorities shall report, and the principal or his designee and the division
71 superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the
72 school if the offense would be a felony if committed by an adult or would be a violation of the Drug
73 Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a
74 school-sponsored activity, or would be an adult misdemeanor involving any incidents described in
75 clauses (i) through (viii) of subsection A.

76 C. The principal or his designee shall submit a report of all incidents required to be reported
77 pursuant to this section to the superintendent of the school division. The division superintendent shall
78 annually report all such incidents to the Department of Education for the purpose of recording the
79 frequency of such incidents on forms that shall be provided by the Department and shall make such
80 information available to the public. A division superintendent who knowingly fails to comply or secure
81 compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized
82 in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting
83 requirements of this section shall be subject to sanctions prescribed by the local school board, which
84 may include, but need not be limited to, demotion or dismissal.

85 The principal or his designee shall also notify the parent of any student involved in an incident
86 required pursuant to this section to be reported, regardless of whether disciplinary action is taken against
87 such student or the nature of the disciplinary action. Such notice shall relate to only the relevant
88 student's involvement and shall not include information concerning other students; *however, a copy of a*
89 *concise description of the procedure for filing a juvenile petition and the process for contacting the*
90 *local law-enforcement agency required by subsection E shall be attached to the notice to the parents.*

91 Whenever any student commits any reportable incident as set forth in this section, such student shall
92 be required to participate in such prevention and intervention activities as deemed appropriate by the
93 superintendent or his designee. Prevention and intervention activities shall be identified in the local
94 school division's drug and violence prevention plans developed pursuant to the federal Improving
95 America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

96 D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal
97 shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through
98 (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement
99 agency any incident described in clause (i) of subsection A.

100 *Further, except as may otherwise be required by federal law, regulation, or jurisprudence, the*
101 *principal shall also immediately report any act enumerated in clauses (ii) through (vii) of subsection A*
102 *that may constitute a criminal offense to the parents of any minor student who is the object of such act.*
103 *A copy of the concise description of the procedure for filing a juvenile petition and for contacting the*
104 *local law-enforcement agency required by subsection E shall be attached to the report.*

105 E. A statement providing a procedure and the purpose for the requirements of this section shall be
106 included in school board policies required by § 22.1-253.13:7, *including a concise description of the*
107 *procedure for filing a juvenile petition and for contacting the local law-enforcement agency to which*
108 *reports are submitted hereunder.*

109 The Board of Education shall promulgate regulations to implement this section, including, but not
110 limited to, establishing reporting dates and report formats.

111 F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person
112 having control or charge of a child.

113 G. This section shall not be construed to diminish the authority of the Board of Education or to
114 diminish the Governor's authority to coordinate and provide policy direction on official communications
115 between the Commonwealth and the United States government.

116 § 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school
117 board regulations.

118 A. The Board of Education shall establish guidelines and develop model policies for codes of student
119 conduct to aid local school boards in the implementation of such policies. The guidelines and model

120 policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use
 121 of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and
 122 expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for
 123 such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards,
 124 consistent with state, federal and case laws, for school board policies on alcohol and drugs, hazing,
 125 vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional
 126 injury of others, self-defense, and dissemination of such policies to students, their parents, and school
 127 personnel; and (iii) *procedures to prevent, prohibit, and control bullying, harassment, and intimidation;*
 128 *and (iv) standards for in-service training of school personnel in and examples of the appropriate*
 129 *management of student conduct and student offenses in violation of school board policies.*

130 In accordance with the most recent enunciation of constitutional principles by the Supreme Court of
 131 the United States of America, the Board's standards for school board policies on alcohol and drugs and
 132 search and seizure shall include guidance for procedures relating to voluntary and mandatory drug
 133 testing in schools, including, but not limited to, which groups may be tested, use of test results,
 134 confidentiality of test information, privacy considerations, consent to the testing, need to know, and
 135 release of the test results to the appropriate school authority.

136 In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum
 137 procedures that the school board may prescribe.

138 B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the
 139 requirements of this section, regulations on codes of student conduct that are consistent with, but may be
 140 more stringent than, the guidelines of the Board. School boards shall include, in the regulations on codes
 141 of student conduct, procedures for suspension, expulsion, and exclusion decisions and shall biennially
 142 review the model student conduct code to incorporate discipline options and alternatives to preserve a
 143 safe, nondisruptive environment for effective teaching and learning.

144 Each school board shall include, in its code of student conduct, prohibitions against *bullying,*
 145 *harassment, intimidation, hazing, and profane or obscene language or conduct.* School boards shall also
 146 cite, in their codes of student conduct, the provisions of § 18.2-56, which defines and prohibits hazing
 147 and imposes a Class 1 misdemeanor penalty for violations, i.e., confinement in jail for not more than 12
 148 months and a fine of not more than \$2,500, either or both.

149 *School board policies relating to bullying, harassment, and intimidation shall include, but need not*
 150 *be limited to, a definition, consistent with the definition provided in this subsection, of bullying,*
 151 *intimidation, and harassment; a clear statement prohibiting such actions on school property or at*
 152 *school-sponsored events; a procedure for reporting incidents; strategies for protecting any person who*
 153 *is the object of such actions; training for teachers, administrators, and other personnel on the*
 154 *prevention and control of bullying, harassment, and intimidation; and a process for educating students*
 155 *on bullying, harassment, and intimidation.*

156 *For the purposes of this section, "bullying, harassment, and intimidation" mean any intentional*
 157 *gesture, threat, verbal or physical act, or written statement that (i) harms a student, (ii) damages a*
 158 *student's property, or (iii) places a student in reasonable fear of death or bodily injury.*

159 A school board may regulate the use or possession of beepers or other portable communications
 160 devices and laser pointers by students on school property or attending school functions or activities and
 161 establish disciplinary procedures pursuant to this article to which students violating such regulations will
 162 be subject.

163 Nothing herein shall be construed to require any school board to adopt policies requiring or
 164 encouraging any drug testing in schools. However, a school board may, in its discretion, require or
 165 encourage drug testing in accordance with the Board of Education's guidelines and model student
 166 conduct policies required by subsection A and the Board's guidelines for student searches required by
 167 § 22.1-279.7.

168 C. The Board of Education shall establish standards to ensure compliance with the federal Improving
 169 America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with
 170 § 22.1-277.07.

171 This subsection shall not be construed to diminish the authority of the Board of Education or to
 172 diminish the Governor's authority to coordinate and provide policy direction on official communications
 173 between the Commonwealth and the United States government.