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**HOUSE BILL NO. 1624**

Offered January 14, 2009

Prefiled December 2, 2008

*A BILL to amend and reenact §§ 22.1-208.01 and 22.1-279.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-279.6:1, relating to a Board of Education model policy for the prohibition of bullying, harassment, and intimidation.*

Patrons—Englin, Bell, Ebbin, McClellan and Shannon

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-208.01 and 22.1-279.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-279.6:1 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; (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. The program shall also address the inappropriateness of bullying, *harassment*, and *intimidation* as defined in the Student Conduct Policy Guidelines adopted by the Board of Education pursuant to § 22.1-279.6 by § 22.1-279.6:1.

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 § 1-500, 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.

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

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use

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59 of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and  
60 expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for  
61 such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards,  
62 consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related  
63 activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with  
64 disabilities, intentional injury of others, self-defense, bullying, *harassment*, *intimidation*, and  
65 dissemination of such policies to students, their parents, and school personnel; and (iii) standards for  
66 in-service training of school personnel in and examples of the appropriate management of student  
67 conduct and student offenses in violation of school board policies.

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

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

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

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

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

91 Nothing herein shall be construed to require any school board to adopt policies requiring or  
92 encouraging any drug testing in schools. However, a school board may, in its discretion, require or  
93 encourage drug testing in accordance with the Board of Education's guidelines and model student  
94 conduct policies required by subsection A and the Board's guidelines for student searches required by  
95 § 22.1-279.7.

96 C. The Board of Education shall establish standards to ensure compliance with the federal Improving  
97 America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with  
98 § 22.1-277.07.

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

102 § 22.1-279.6:1. *Model policy on bullying, harassment, and intimidation in the public schools.*

103 A. *The Board of Education model policies for codes of student conduct required by § 22.1-279.6 to*  
104 *address bullying, harassment, and intimidation shall include the following:*

105 1. *A statement prohibiting bullying, harassment, and intimidation;*

106 2. *A statement prohibiting reprisal or retaliation against individuals who report acts of bullying,*  
107 *harassment, and intimidation;*

108 3. *Standard consequences and remedial actions for persons committing acts of bullying, harassment,*  
109 *or intimidation and for persons engaged in reprisal or retaliation;*

110 4. *Standard consequences and remedial actions for persons found to have made false accusations;*

111 5. *Model procedures for reporting acts of bullying, harassment, and intimidation;*

112 6. *Model procedures for the prompt investigation of acts of bullying, harassment, and intimidation;*  
113 *and*

114 7. *Information about the types of support services available to the student bully, victim, and any*  
115 *bystanders.*

116 B. *For the purposes of this section and §§ 22.1-208.01 and 22.1-279.6, "bullying, harassment, or*  
117 *intimidation" means intentional conduct, including verbal, physical, or written conduct, or an intentional*  
118 *communication that creates a hostile educational environment by substantially interfering with a*  
119 *student's educational benefits, opportunities, or performance, or with a student's physical or*  
120 *psychological well-being and (i) is motivated by an actual or perceived personal characteristic including*

**121** *race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical*  
**122** *attributes, socioeconomic status, familial status, or physical or mental ability or disability; or (ii) is*  
**123** *threatening or seriously intimidating and either occurs on school property, at a school activity or event,*  
**124** *or on a school bus or substantially disrupts the orderly operation of a school.*