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**HOUSE BILL NO. 1575**

Offered January 12, 2011

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*A BILL to amend and reenact §§ 22.1-208.01, 22.1-253.13:5, 22.1-279.3:1, and 22.1-279.6 of the Code of Virginia, relating to bullying in public schools.*

Patrons—Englin, Ebbin, Filler-Corn, Kory, Scott, J.M. and Sickles

Referred to Committee on Education

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

**1. That §§ 22.1-208.01, 22.1-253.13:5, 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; (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, as defined in the Student Conduct Policy Guidelines adopted by the Board of Education pursuant to harassment, and intimidation as defined in § 22.1-279.6.

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.

§ 22.1-253.13:5. Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board of Education shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation

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59 Criteria for Teachers, Administrators, and Superintendents. Teacher evaluations shall include regular  
60 observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall  
61 include identification of areas of individual strengths and weaknesses and recommendations for  
62 appropriate professional activities.

63 C. The Board of Education shall provide guidance on high-quality professional development for (i)  
64 teachers, principals, supervisors, division superintendents and other school staff; (ii) administrative and  
65 supervisory personnel in the evaluation and documentation of teacher and administrator performance  
66 based on student academic progress and the skills and knowledge of such instructional or administrative  
67 personnel; (iii) school board members on personnel, curriculum and current issues in education; and (iv)  
68 programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia  
69 Department for the Blind and Vision Impaired.

70 The Board shall also provide technical assistance on high-quality professional development to local  
71 school boards designed to ensure that all instructional personnel are proficient in the use of educational  
72 technology consistent with its comprehensive plan for educational technology.

73 D. Each local school board shall require (i) its members to participate annually in high-quality  
74 professional development activities at the state, local, or national levels on governance, including, but  
75 not limited to, personnel policies and practices; curriculum and instruction; use of data in planning and  
76 decision making; and current issues in education as part of their service on the local board and (ii) the  
77 division superintendent to participate annually in high-quality professional development activities at the  
78 local, state or national levels.

79 E. Each local school board shall provide a program of high-quality professional development (i) in  
80 the use and documentation of performance standards and evaluation criteria based on student academic  
81 progress and skills for teachers and administrators to clarify roles and performance expectations and to  
82 facilitate the successful implementation of instructional programs that promote student achievement at  
83 the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and  
84 principals in acquiring the skills needed to work with gifted students, students with disabilities, and  
85 students who have been identified as having limited English proficiency and to increase student  
86 achievement and expand the knowledge and skills students require to meet the standards for academic  
87 performance set by the Board of Education; (iii) in educational technology for all instructional personnel  
88 which is designed to facilitate integration of computer skills and related technology into the curricula,  
89 *and* (iv) *on bullying, harassment, and intimidation prevention for all instructional personnel; and* (v) for  
90 administrative personnel designed to increase proficiency in instructional leadership and management,  
91 including training in the evaluation and documentation of teacher and administrator performance based  
92 on student academic progress and the skills and knowledge of such instructional or administrative  
93 personnel.

94 In addition, each local school board shall also provide teachers and principals with high-quality  
95 professional development programs each year in (i) instructional content; (ii) the preparation of tests and  
96 other assessment measures; (iii) methods for assessing the progress of individual students, including  
97 Standards of Learning assessment materials or other criterion-referenced tests that match locally  
98 developed objectives; (iv) instruction and remediation techniques in English, mathematics, science, and  
99 history and social science; (v) interpreting test data for instructional purposes; (vi) technology  
100 applications to implement the Standards of Learning; and (vii) effective classroom management.

101 F. Schools and school divisions shall include as an integral component of their comprehensive plans  
102 required by § 22.1-253.13:6, high-quality professional development programs that support the  
103 recruitment, employment, and retention of qualified teachers and principals. Each school board shall  
104 require all instructional personnel to participate each year in these professional development programs.

105 G. Each local school board shall annually review its professional development program for quality,  
106 effectiveness, participation by instructional personnel, and relevancy to the instructional needs of  
107 teachers and the academic achievement needs of the students in the school division.

108 § 22.1-279.3:1. Reports of certain acts to school authorities.

109 A. Reports shall be made to the division superintendent and to the principal or his designee on all  
110 incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a  
111 school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results  
112 in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or  
113 stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a  
114 school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance,  
115 imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a  
116 school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv)  
117 any threats against school personnel while on a school bus, on school property or at a school-sponsored  
118 activity; (v) the illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any  
119 illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as  
120 defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs,

as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses; ~~or~~ (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor; or (ix) *the bullying, harassment, or intimidation of any student, as defined in § 22.1-279.6.*

B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1, local law-enforcement authorities shall report, and the principal or his designee and the division superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court, to the superintendent of such student's school division, upon request by the superintendent, if, in the determination of the law-enforcement authority or attorney for the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case. No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further, any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to this section to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that shall be provided by the Department and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection B.

A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to sanctions prescribed by the local school board, which may include, but need not be limited to, demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

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

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

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

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

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person

182 having control or charge of a child.

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

186 § 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school  
187 board regulations.

188 A. The Board of Education shall establish guidelines and develop model policies for codes of student  
189 conduct to aid local school boards in the implementation of such policies. The guidelines and model  
190 policies shall include, but not be limited to, (i) criteria for the removal of a student from a class, the use  
191 of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and  
192 expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for  
193 such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards,  
194 consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related  
195 activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with  
196 disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes  
197 of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents,  
198 and school personnel; and (iii) standards for in-service training of school personnel in and examples of  
199 the appropriate management of student conduct and student offenses in violation of school board  
200 policies.

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

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

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

215 Each school board shall include, in its code of student conduct, prohibitions against bullying,  
216 *harassment, and intimidation*, hazing, and profane or obscene language or conduct, *as well as*  
217 *procedures to separate the perpetrators of such behavior from their targets in a way that ensures that*  
218 *the targets of such behavior are not effectively punished, including being deprived of benefits or*  
219 *opportunities that they otherwise would enjoy*. School boards shall also cite, in their codes of student  
220 conduct, the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1  
221 misdemeanor penalty for violations, i.e., confinement in jail for not more than 12 months and a fine of  
222 not more than \$2,500, either or both. *Any principal or school administrator who fails to comply with the*  
223 *procedures set out in the code of student conduct shall be subject to discipline.*

224 *For the purposes of this section, "bullying, harassment or intimidation" means intentional conduct,*  
225 *including verbal, physical, or written conduct, or an intentional communication motivated by an actual*  
226 *or perceived personal characteristic including race, national origin, marital status, sex, sexual*  
227 *orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status,*  
228 *or physical or mental ability or disability that (i) creates a hostile educational environment by*  
229 *substantially interfering with a student's educational benefits, opportunities, or performance, or with a*  
230 *student's physical or psychological well-being; or (ii) is threatening or seriously intimidating. "Bullying,*  
231 *harassment, or intimidation" includes (i) conduct that occurs on school property, at a school activity or*  
232 *event, or on a school bus; (ii) conduct that occurs elsewhere but that substantially interferes with a*  
233 *targeted student's educational benefits, opportunities or performance, or with a targeted student's*  
234 *psychological well-being, while the targeted student is on school property, at a school activity or event,*  
235 *or on a school bus, because of the presence of the perpetrator; or (iii) conduct that substantially*  
236 *disrupts the orderly operation of a school.*

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

241 Nothing herein shall be construed to require any school board to adopt policies requiring or  
242 encouraging any drug testing in schools. However, a school board may, in its discretion, require or  
243 encourage drug testing in accordance with the Board of Education's guidelines and model student

244 conduct policies required by subsection A and the Board's guidelines for student searches required by  
245 § 22.1-279.7.

246 C. The Board of Education shall establish standards to ensure compliance with the federal Improving  
247 America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with  
248 § 22.1-277.07.

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

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