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HOUSE BILL NO. 1044

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend the Code of Virginia by adding in Chapter 15 of Title 22.1 an article numbered 3.1, consisting of sections numbered 22.1-314.1 and 22.1-314.2, relating to school board policies; healthy school workplaces.*

Patrons—Torian, Adams, D.M., Ayala, Bagby, Carroll Foy, Carter, Guzman, James, Krizek, Levine, Tran and VanValkenburg; Senators: McPike and Surovell

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 15 of Title 22.1 an article numbered 3.1, consisting of sections numbered 22.1-314.1 and 22.1-314.2, as follows:

*Article 3.1.**Healthy School Workplaces.***§ 22.1-314.1. Definitions.**

As used in this article:

"Abusive conduct" means conduct of a school board employee in the workplace that a reasonable person would find hostile and that is severe enough to cause physical harm or psychological harm to another school board employee. "Abusive conduct" includes verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; the gratuitous sabotage or undermining of another school board employee's work performance; attempts to exploit another school board employee's known psychological or physical vulnerability; or repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, or epithets. Factors to be considered in the determination of whether abusive conduct is present shall include the severity, nature, and frequency of the conduct and, when applicable, the continuation of the conduct after a school board employee requests that it cease or demonstrates outward signs of physical harm or psychological harm in the face of the conduct. A single act shall not constitute abusive conduct unless it is especially severe. Conduct shall not be regarded as abusive conduct if the school board provides clear and convincing proof that the conduct is necessary for the furtherance of its legitimate and lawful interests.

"Abusive work environment" means a workplace in a school division in which abusive conduct occurs.

"Physical harm" means a material impairment of a school board employee's physical health or bodily integrity, as documented by a physician or another licensed health care provider.

"Psychological harm" means a material impairment of a school board employee's mental health, as documented by a psychologist, psychiatrist, or psychotherapist or another licensed mental health care provider.

§ 22.1-314.2. School board policies.

Each school board shall adopt policies to:

1. Prohibit abusive work environments in the school division;
2. Provide for the appropriate discipline of any school board employee who contributes to an abusive work environment; and
3. Prohibit retaliation or reprisal against a school board employee who alleges an abusive work environment or assists in the investigation of an allegation of an abusive work environment.

INTRODUCED

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