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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

House Bill No. 3023

(By Delegates Stemple, Williams, L. Smith, Mathews,
Louisos, Swartzmiller and Fahey)



Passed April 14, 2001

In Effect from Passage

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H. B. 3023

(BY DELEGATES STEMPLE, WILLIAMS, L. SMITH, MATHEWS,
LOUISOS, SWARTZMILLER AND FAHEY)

[Passed April 14, 2001; in effect from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-c; and to amend and reenact section five, article six, chapter eighteen of said code, all relating to education; county boards of education; legislative findings; definitions; policy prohibiting harassment, intimidation or bullying; liability; immunity; policy training, education and task force; driver education; and allowing certain students to operate a motor vehicle while accompanied by a certified driver education teacher.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-c; and that section five, article six, chapter eighteen be amended and reenacted, all to read as follows:

ARTICLE 2C. HARASSMENT, INTIMIDATION OR BULLYING PROHIBITION.

FILED

§18-2C-1. Legislative findings.

1 The Legislature finds that a safe and civil environment in
2 school is necessary for students to learn and achieve high
3 academic standards. The Legislature finds that harassment,
4 intimidation or bullying, like other disruptive or violent
5 behavior, is conduct that disrupts both a student's ability to
6 learn and a school's ability to educate its students in a safe,
7 nonthreatening environment.

8 The legislature further finds that students learn by example.
9 The legislature charges school administrators, faculty, staff and
10 volunteers, with demonstrating appropriate behavior, treating
11 others with civility and respect, and refusing to tolerate
12 harassment, intimidation or bullying.

§18-2C-2. Definitions.

1 As used in this article, "harassment, intimidation or
2 bullying" means any intentional gesture, or any intentional
3 written, verbal or physical act or threat that:

4 (a) A reasonable person under the circumstances should
5 know will have the effect of:

6 (1) Harming a student;

7 (2) Damaging a student's property;

8 (3) Placing a student in reasonable fear of harm to his or her
9 person; or

10 (4) Placing a student in reasonable fear of damage to his or
11 her property; or

12 (b) Is sufficiently severe, persistent or pervasive that it
13 creates an intimidating, threatening or abusive educational
14 environment for a student.

§18-2C-3. Policy prohibiting harassment, intimidation or bullying.

1 (a) Each county board of education shall establish a policy
2 prohibiting harassment, intimidation or bullying. Each county
3 board has control over the content of its policy as long as the
4 policy contains, at a minimum, the requirements of subdivision
5 (b) of this section. The policy shall be adopted through a
6 process that includes representation of parents or guardians,
7 school employees, school volunteers, students and community
8 members.

9 (b) Each county board policy shall, at a minimum, include
10 the following components:

11 (1) A statement prohibiting harassment, intimidation or
12 bullying of any student on school property or at school spon-
13 sored events;

14 (2) A definition of harassment, intimidation or bullying no
15 less inclusive than that in section two of this article;

16 (3) A procedure for reporting prohibited incidents;

17 (4) A requirement that school personnel report prohibited
18 incidents of which they are aware;

19 (5) A requirement that parents or guardians of any student
20 involved in an incident prohibited pursuant to this article be
21 notified;

22 (6) A procedure for documenting any prohibited incident
23 that is reported;

24 (7) A procedure for responding to and investigating any
25 reported incident;

26 (8) A strategy for protecting a victim from additional
27 harassment, intimidation or bullying, and from retaliation
28 following a report;

29 (9) A disciplinary procedure for any student guilty of
30 harassment, intimidation or bullying; and

31 (10) A requirement that any information relating to a
32 reported incident is confidential, and exempt from disclosure
33 under the provisions of chapter twenty-nine-b of this code.

34 (c) Each county board shall adopt the policy and submit a
35 copy to the state superintendent of schools by the first day of
36 December, two thousand one.

37 (d) To assist county boards in developing their policies, the
38 West Virginia department of education shall develop a model
39 policy applicable to grades kindergarten through twelfth. The
40 model policy shall be issued by the first day of September, two
41 thousand one.

42 (e) Notice of the county board's policy shall appear in any
43 student handbook, and in any county board publication that sets
44 forth the comprehensive rules, procedures and standards of
45 conduct for the school.

§18-2C-4. Immunity.

1 A school employee, student or volunteer is individually
2 immune from a cause of action for damages arising from
3 reporting said incident, if that person:

4 (1) In good faith promptly reports an incident of harass-
5 ment, intimidation or bullying;

6 (2) Makes the report to the appropriate school official as
7 designated by policy; and

8 (3) Makes the report in compliance with the procedures as
9 specified in policy.

§18-2C-5. Policy training and education.

1 (a) Schools and county boards are encouraged, but not
2 required, to form bullying prevention task forces, programs and
3 other initiatives involving school staff, students, teachers,
4 administrators, volunteers, parents, law enforcement and
5 community members.

6 (b) To the extent state or federal funds are appropriated for
7 these purposes, each school district shall:

8 (1) Provide training on the harassment, intimidation or
9 bullying policy to school employees and volunteers who have
10 direct contact with students; and

11 (2) Develop a process for educating students on the
12 harassment, intimidation or bullying policy.

13 (c) Information regarding the county board policy against
14 harassment, intimidation or bullying shall be incorporated into
15 each school's current employee training program.

§18-2C-6. Liability.

1 Except as provided in section four of this article, nothing in
2 this article prohibits a victim from seeking redress under any
3 other provision of civil or criminal law.

ARTICLE 6. DRIVER EDUCATION.

**§18-6-5. Establishment and maintenance of driver education
course; who may enroll; exemption from learner's
permit requirement; non-permit student drivers.**

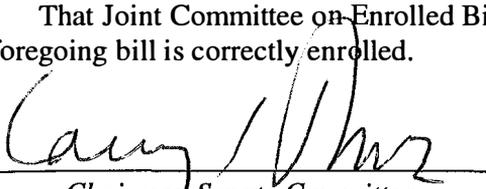
1 The state superintendent shall promote and direct the
2 establishment and maintenance of courses of instruction in
3 driver education in secondary schools in accordance with the

4 provisions of this article and the rules that the state board
5 adopts pursuant to section four of this article. Directors, trustees
6 or other persons having control or authority over private,
7 parochial or denominational secondary schools, who establish
8 and maintain the courses in the schools under their control or
9 supervision, shall comply with the rules that the state board
10 adopts pursuant to section four of this article.

11 In the case of a pupil who will not reach the age of fifteen
12 years before completion of the driver education course in which
13 enrolled, instruction shall be limited to the classroom. Pupils
14 who are fifteen years of age and older shall receive instruction
15 and practical training in the operation of motor vehicles on the
16 public streets and highways.

17 Notwithstanding section three-a, article two, chapter
18 seventeen-b of this code, any student who is at least fifteen
19 years of age and is enrolled in a driver education course in
20 accordance with the provisions of this article and the rules that
21 the state board adopts pursuant to section four of this article,
22 may operate a motor vehicle on the roadways of West Virginia
23 while accompanied by a certified driver education teacher.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



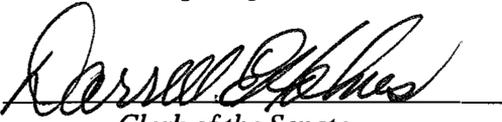
Chairwoman, Senate Committee



Chairman House Committee

Originating in the House.

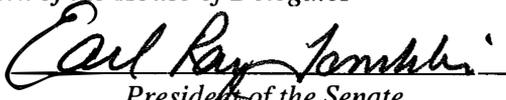
In effect from passage.



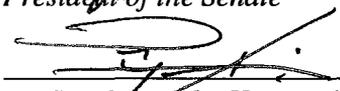
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 30th
day of April, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 11:50am