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2011 APR -1 PM 4: 55

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WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 3225**

(By Delegates M. Poling, Paxton, Perry, Ennis,
Pethel, Shaver, Moye, Smith,
Lawrence and L. Phillips)



Passed March 12, 2011

In Effect Ninety Days From Passage

HB 3225

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FOR

H. B. 3225

(BY DELEGATES M. POLING, PAXTON, PERRY, ENNIS,
PETHTEL, SHAVER, MOYE, SMITH,
LAWRENCE AND L. PHILLIPS)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §18-2C-2 and §18-2C-3 of the Code of West Virginia, 1931, as amended, all relating to harassment, intimidation or bullying of students; expanding the definition of harassment, intimidation or bullying; expanding the areas where harassment, intimidation and bullying are prohibited to include school buses and school bus stops; requiring county board and West Virginia Department of Education policies regarding harassment, intimidation or bullying; and establishing reporting requirements.

Be it enacted by the Legislature of West Virginia:

That §18-2C-2 and §18-2C-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 2C. HARASSMENT, INTIMIDATION OR
BULLYING PROHIBITION.**

§18-2C-2. Definitions.

1 (a) As used in this article, “harassment, intimidation or
2 bullying” means any intentional gesture, or any intentional
3 electronic, written, verbal or physical act, communication,
4 transmission or threat that:

5 (1) A reasonable person under the circumstances should
6 know will have the effect of any one or more of the
7 following:

8 (A) Physically harming a student;

9 (B) Damaging a student’s property;

10 (C) Placing a student in reasonable fear of harm to his or
11 her person; or

12 (D) Placing a student in reasonable fear of damage to his
13 or her property;

14 (2) Is sufficiently severe, persistent or pervasive that it
15 creates an intimidating, threatening or emotionally abusive
16 educational environment for a student; or

17 (3) Disrupts or interferes with the orderly operation of the
18 school.

19 (b) As used in this article, an electronic act,
20 communication, transmission or threat includes but is not
21 limited to one which is administered via telephone, wireless
22 phone, computer, pager or any electronic or wireless device
23 whatsoever, and includes but is not limited to transmission of

24 any image or voice, email or text message using any such
25 device.

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

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

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

11 (1) A statement prohibiting harassment, intimidation or
12 bullying of any student on school property, a school bus, at
13 a school bus stop or at school sponsored events;

14 (2) A definition of harassment, intimidation or bullying
15 no 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
20 student involved in an incident prohibited pursuant to this
21 article be 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;

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 and


35 (11) A requirement that each county board shall input
36 into the uniform integrated regional computer information
37 system (commonly known as the West Virginia Education
38 Information System) described in section twenty-six, article
39 two of this chapter, and compile an annual report regarding
40 the means of harassment, intimidation or bullying that have
41 been reported to them, and the reasons therefor, if known.
42 The West Virginia Department of Education shall compile
43 the information and report it annually beginning July 1, 2012,
44 to the Legislative Oversight Committee on Education
45 Accountability.

46 (c) Each county board shall adopt the policy and submit
47 a copy to the State Superintendent of Schools by December
48 1, 2011.

49 (d) To assist county boards in developing their policies,
50 the West Virginia Department of Education shall develop a
51 model policy applicable to grades kindergarten through
52 twelfth. The model policy shall be issued by September 1,
53 2011.

54 (e) Notice of the county board's policy shall appear in
55 any student handbook, and in any county board publication
56 that sets forth the comprehensive rules, procedures and
57 standards of conduct for the school.

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

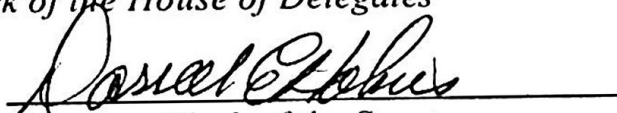

Chairman, House Committee

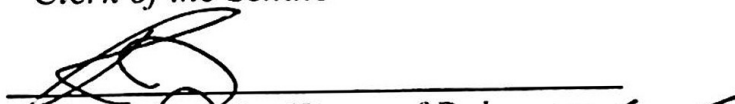

Chairman, Senate Committee

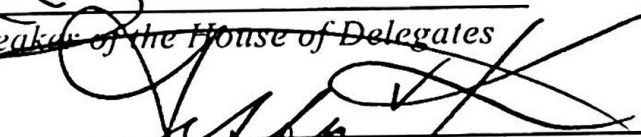
Originating in the House.

To take effect ninety days from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

The within is approved this the 18th
day of April, 2011.


Governor

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OFFICE OF THE SECRETARY OF STATE
COMMONWEALTH OF VIRGINIA

PRESENTED TO THE GOVERNOR

MAR 31 2011

Time 11:30 am
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