



1 communication that is reasonably perceived as being motivated  
2 either by an actual or perceived characteristic, such as race,  
3 color, religion, ancestry, national origin, gender, sexual  
4 orientation, gender identity and expression, or mental, physical or  
5 sensory disability, or by any other distinguishing characteristic,  
6 that takes place on school property, at any school sponsored  
7 function or on a school bus and that:

8 (a) A reasonable person under the circumstances should know  
9 will have the effect of physically or emotionally harming a student  
10 or damaging a student's property, or placing a student in  
11 reasonable fear of physical or emotional harm to his or her person  
12 or damage to his or her property

13 ~~(1) Harming a student;~~

14 ~~(2) Damaging a student's property;~~

15 ~~(3) Placing a student in reasonable fear of harm to his or her~~  
16 ~~person; or~~

17 ~~(4) Placing a student in reasonable fear of damage to his or~~  
18 ~~her property; or~~

19 (b) Has the effect of insulting or demeaning any student or  
20 group of students in such a way as to cause disruption in or  
21 interference with, the orderly operation of the school;

22 (c) Creates a hostile environment at school for the student;

23 (d) Infringes on the rights of the student at school; or

24 (e) Is sufficiently severe, persistent or pervasive that it

1 creates an intimidating, threatening or abusive educational  
2 environment for a student.

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

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

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

13 (1) A statement prohibiting harassment, intimidation or  
14 bullying of any student on school property or at school sponsored  
15 events;

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

18 (3) A procedure for reporting prohibited incidents;

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

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

24 (6) A procedure for documenting any prohibited incident that

1 is reported;

2 (7) A procedure for responding to and investigating any  
3 reported incident;

4 (8) A strategy for protecting a victim from additional  
5 harassment, intimidation or bullying, and from retaliation  
6 following a report;

7 (9) A disciplinary procedure for any student guilty of  
8 harassment or intimidation; ~~or bullying;~~

9 (10) A disciplinary procedure for any student guilty of  
10 bullying, which must include a minimum of two months of school  
11 provided counseling for the guilty student and a procedure to  
12 remove the guilty student from the regular school system and place  
13 the guilty student in an alternative school system if he or she  
14 does not meet the mandatory counseling requirement; and

15 ~~(10)~~ (11) A requirement that any information relating to a  
16 reported incident is confidential, and exempt from disclosure under  
17 the provisions of chapter twenty-nine-b of this code.

18 (c) Each county board shall adopt the policy and submit a copy  
19 to the State Superintendent of Schools by December 1, 2001.

20 (d) To assist county boards in developing their policies, the  
21 West Virginia Department of Education shall develop a model policy  
22 applicable to grades kindergarten through twelfth. The model  
23 policy shall be issued by September 1, 2001.

24 (e) Notice of the county board's policy shall appear in any

1 student handbook, and in any county board publication that sets  
2 forth the comprehensive rules, procedures and standards of conduct  
3 for the school.

NOTE: The purpose of this bill is to add to the definition of harassment, intimidation or bullying and require a child to attend two months of counseling provided by a school if he or she is found to be bullying a fellow student. This bill also prescribes punishment for failure to comply with the counseling requirements.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.