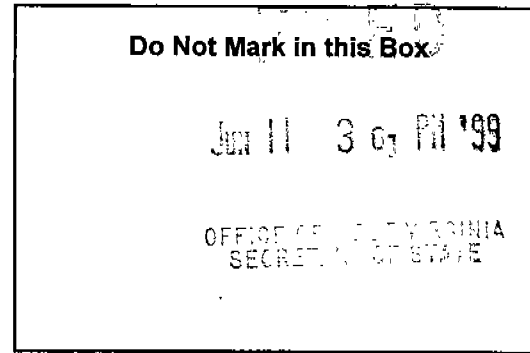


WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2



NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY: W.Va. Constitution, Article XII,
§2; W.Va. Code §18-2-5 and §18-2-33

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 25

TITLE OF RULE BEING PROPOSED: Anti-Hazing Policy (2425)

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 12, 1999 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Therese M. Wilson

Executive Director

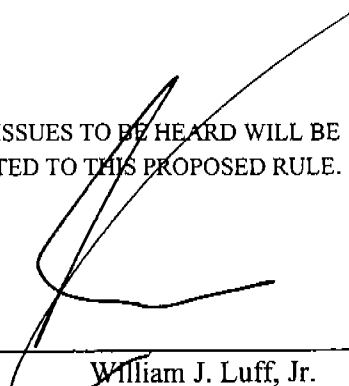
West Virginia Department of Education

Building 6, Room B-057

1900 Kanawha Boulevard East

Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD WILL BE LIMITED TO THIS PROPOSED RULE.



William J. Luff, Jr.
Associate State Superintendent

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$2.80

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Policy 2425
 Anti-Hazing Policy

BACKGROUND:

The West Virginia Legislature found that hazing has become a problem in a limited number of public school-sponsored student organizations. The Legislature required the State Board of Education to promulgate rules to address hazing in the public schools of West Virginia.

PURPOSE:

Policy 2425: Anti-Hazing Policy provides a definition and examples of hazing and penalties for students who engage in such activities. It also requires local boards of education to develop procedures to investigate alleged hazing activities.

126CSR25

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 25
ANTI-HAZING POLICY (2425)**

§126-25-1. General.

1.1. Scope – This policy forbids hazing in public school sponsored student organizations and activities.

1.2. Authority – W. Va. Constitution, Article XII, §2; W. Va. Code §18-2-5 and §18-2-33.

1.3. Filing Date. –

1.4. Effective Date. –

§126-25-2. Purpose.

2.1. The West Virginia Board of Education recognizes that all students need a safe, disciplined environment that meets their educational needs. This policy prohibits hazing in public schools.

§126-25-3. Definitions.

3.1. Hazing Definition - Any act or situation which recklessly or intentionally endangers the mental or physical health or safety of a student; any act or situation which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with or as a condition for continued membership in any organization operating under the sanctions of the school; any act or situation that is of a brutal physical nature; any act or situation which adversely affects the mental health or dignity of the individual.

3.2. Hazing Examples - Whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, mental stress, including but not limited to, sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, any forced activity which could adversely affect the mental health or dignity of the individual, including but not limited to performance of embarrassing and/or required stunts, wearing costumes, speaking in a harassing manner, interrogating new members, lineup, scavenger hunt, kidnapping, personal services, authority over new members, anything that tends to diminish the self-esteem or dignity, or categorize the new member and/or member as a second-class citizen.

3.3. Co-Curricular Activities - Activities that are closely related to identifiable academic programs and/or areas of study that serve to complement academic curricula such as band, band camp, drama club, student council, or newspaper staff.

3.4. Extra-curricular Activities - Activities that are not related to academic programs such as sports, pep rallies, and chess clubs.

§126-25-4. Program Regulations.

4.1. All hazing in public school sponsored student organizations or activities, including co-curricular and extra-curricular activities, is strictly forbidden. Students violating this policy will be subject to disciplinary procedures which may include suspension and possible expulsion.

4.2. Each county board of education shall inform all students and school personnel that hazing activities are strictly forbidden and students may be subject to disciplinary procedures.

4.3. Principals may temporarily suspend from school any student who fails to abide by the anti-hazing policy.

4.4. County boards of education may expel from school any student who fails to abide by the anti-hazing policy.

4.5. Each county board of education shall develop appropriate disciplinary procedures to investigate alleged violations of this policy. County boards of education may use any existing procedure such as that developed for implementation of Policy 2421.

**POLICY 2425: ANTI-HAZING POLICY
COMMENT/SUGGESTIONS**

Directions: Please use this form in commenting on proposed Policy 2425.

Individual/Organization: _____

Title: _____

Street Address: _____ **City/State Zip:** _____

| Comments/Suggestions |
|--------------------------------------|
| 126-25-1. General |
| 126-25-2. Purpose |
| 126-25-3. Definitions |
| 126-25-4. Program Regulations |

RETURN COMMENTS BY JULY 12, 1999 TO:

Therese M. Wilson
Executive Director
West Virginia Department of Education
Building 6, Room B-057
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Anti-Hazing Policy FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

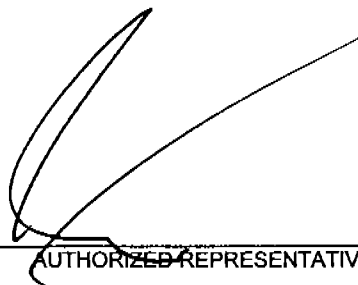
| EFFECT OF PROPOSAL | ANNUAL | | FISCAL YEAR | | |
|--|----------|----------|-------------|------|------------|
| | INCREASE | DECREASE | CURRENT | NEXT | THEREAFTER |
| 1. ESTIMATED TOTAL COST | \$ | \$ | \$ | \$ | \$ |
| PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER | \$ | \$ | \$ | \$ | \$ |
| 2. ESTIMATED TOTAL REVENUES | \$ | \$ | \$ | \$ | \$ |

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No cost to state.

4/2/93
DATE

DEPT. OF EDUCATION
AGENCY


AUTHORIZED REPRESENTATIVE