

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

JUL 13 4 12 PM '99

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

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

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

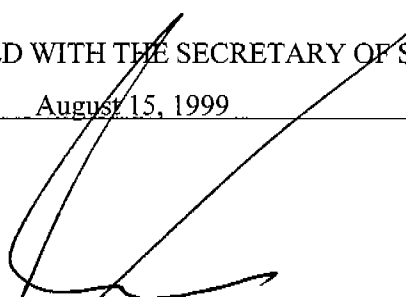
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 15, 1999.



William J. Luff, Jr.
Associate State Superintendent

34.00

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.

COMMENTS:

The policy was placed on comment from June 11, 1999 through July 12, 1999, during which time four responses were received. The only change to the policy was a slight rewording of the definition of hazing in Section 3.1.

126CSR25

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 25
ANTI-HAZING POLICY (2425)

FILED

JUL 16 4 12 PM '99

OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

§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. – July 16, 1999

1.4. Effective Date. – August 15, 1999

§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. Definition - "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove 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 sanction of or recognized as an organization by a school operated by a county board of education.

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.

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.

6/2/99
DATE

DEPT. OF EDUCATION
AGENCY

[Signature]
AUTHORIZED REPRESENTATIVE

**POLICY 2425: ANTI-HAZING
COMMENT LOG
June 11, 1999 - July 12, 1999**

ACTION TYPE
 N. No Response - Negative
 NA. Not Accepted + Positive
 A. Accepted o Neutral

| Date | Individual/Organization | Comments | Action/ Type | Rationale |
|--------|--|---|-----------------|---|
| | | §126-25-1. General | | |
| 7/1/99 | Dr. Bonnie Ritz Director, Student Services Ohio County Schools 2203 National Road Wheeling, WV 26003 | The behaviors are obviously inappropriate and therefore should be included in the Student Code of Conduct. | NA | Will require revising Student Code of Conduct Policy. |
| 7/1/99 | Debra M. Eakins 437 Western Avenue Morgantown, WV 26505 | Please include a section which talks about the liability the instructor/teacher/sponsor/coach has in regard to hazing activities that occur on his/her watch. | NA | This policy addresses student behavior. |
| | | §126-25-2. Purpose | | |
| 7/1/99 | Dr. Bonnie Ritz Director, Student Services Ohio County Schools 2203 National Road Wheeling, WV 26003 | I recommend section d. Refrain from aggressive, threatening, or any other hazing or illegal behavior. | NA | Addressed in policy. |
| | | §126-25-3. Definitions | | |
| 7/8/99 | Don Perdue Delegate, 18th House Rt. 1, Box 98 Prichard, WV 25555 | Does "Hazing" also apply to teachers or coaches?? If so there are no penalties prescribed for non-students. | NA | Policy addresses student behavior. |
| | | | | |
| | | | | |
| | | | | |

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

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

Individual/Organization: Dr. Bonnie Ritz, Ohio County Schools

Title: Director of Student Services

Street Address: 2203 National Road **City/State Zip:** Wheeling, WV 26003

| Comments/Suggestions |
|--|
| 126-25-1. General The behaviors are obviously inappropriate and therefore should be included in the Student Code of Conduct. |
| 126-25-2. Purpose I recommend section d. Refrain from aggressive, threatening, or any other hazing or illegal behavior |
| 126-25-3. Definitions |
| 126-25-4. Program Regulations All students are yearly informed of the Student Code of Conduct. |

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

Therese Wilson

From: Deb Eakins <deakins@wvu.edu>
To: tmwilson@access.k12.wv.us
Subject: anti-hazing
Date: Monday, June 28, 1999 7:04 PM

Please include a section which talks about the liability the instructor/teacher/sponsor/coach has in regard to hazing activities that occur on his/her watch.

} *General*

I deal with hazing issues on the collegiate level and can attest that much of it stems from things that are sanctioned on the high school and middle school levels.

I would love to see "secondary education" added to the current hazing law in West Virginia.

Thank you for your concern and attention in this matter.

Sincerely,

Debra M. Eakins
437 Western Avenue
Morgantown, WV 26505

POLICY 2425: ANTI-HAZING POLICY

COMMENT/SUGGESTIONS

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

Individual/Organization: Laura K. Lilly/Berkeley County Board of Education

Title: Director of Legal Services

Street Address: 401 South Queen Street

City/State Zip: Martinsburg, WV 25401

| Comments/Suggestions |
|--|
| 126-25-1. General |
| 126-25-2. Purpose |
| 126-25-3. Definitions |
| 126-25-4. Program Regulations - Include provisions for discipline of faculty/staff or non-school related personnel who violate this policy. |

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

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

Individual/Organization: Don Perdue

Title: Delegate, Both House

Street Address: Rt 1 Box 9B City/State Zip: Prichard WV 25555

| Comments/Suggestions |
|---|
| 126-25-1. General |
| 126-25-2. Purpose |
| 126-25-3. Definitions <i>Does "Hazing" also apply to teachers or coaches?? If so →</i> |
| 126-25-4. Program Regulations <i>→ There are no penalties prescribed for non-students.</i> |

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