

**H. B. 2031**

(By Delegates Frazier, Stowers and Shaver)  
[Introduced January 12, 2011; referred to the  
Committee on Education then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §18-5-48, relating to  
the reporting of assaults, batteries and other incidents on  
school property, during school hours or during school  
activities to local juvenile authority.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §18-5-48, to read as  
follows:

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-48. Reporting of assaults, batteries and other incidents.**

(a) For purposes of this section, the following words and  
phrases shall have the following respective meanings, unless the  
context clearly indicates otherwise:

(1) "Incident" means any act of physical violence, with or

1 without a weapon, assault, act of intimidation or battery:

2 (A) On school property;

3 (B) During school activities, on or off school property; or

4 (C) At any other times when such incident can be reasonably  
5 related to school functions.

6 (2) "Assault" has the same meaning as is ascribed to that term  
7 in subsection (b), section nine, article two, chapter sixty-one of  
8 this code.

9 (3) "Battery" has the same meaning as is ascribed to that  
10 term in subsection (c), section nine, article two, chapter sixty-  
11 one of this code.

12 (4) "Principal" means the principal or top administrator of  
13 any public middle, junior or senior high school at which the  
14 incident occurred.

15 (5) "County superintendent" means the superintendent of the  
16 county board of education in the county in which the school is  
17 located.

18 (6) "Report" means a written narrative report of an incident,  
19 the number and names and addresses of persons involved, and the  
20 names, addresses and phone numbers of their parents, in the  
21 incident, the type of any weapon involved and a description of any  
22 injury or damage resulting from the incident. The report shall  
23 also contain the names and addresses of all persons known to be  
24 present at the time of said incident and the action, if any, taken

1 by the school.

2 (7) "Teacher" and "other employee" means an employee of any  
3 public middle, junior or senior high school at which the incident  
4 occurred.

5 (8) "County Board of Education" means the local board of  
6 education in the county in which the school is located.

7 (9) "Juvenile probation authority" means that division of a  
8 county circuit court that specifically deals with juveniles of the  
9 county in which the school is located.

10 (b) It is the intention of the Legislature to require  
11 principals, teachers and other school employees of public middle,  
12 junior and senior high schools to make reports of disruptive  
13 incidents occurring on school property during school hours or  
14 during school activities conducted on or off school property after  
15 school hours or at any other time when such incident can be  
16 reasonably related to the school or school functions.

17 (c) Principals shall file a report within forty-eight hours  
18 with the county superintendent and the juvenile probation authority  
19 of any incident of which they have knowledge.

20 (d) Teachers and other school employees shall immediately  
21 report to the principal any incident of which they have knowledge.  
22 The teacher and employee shall assist the principal in the  
23 preparation of the report required under subsection (c) of this  
24 section.

NOTE: The purpose of this bill is to improve security at state schools by requiring the reporting of assaults, batteries and other incidents on school property, during school hours or during school activities to the appropriate local juvenile authority. The bill will enable the county schools and juvenile probation officers to track and curb incidents of disruptive behavior of students.

This section is new; therefore, it has been completely underscored.