



# Mingo County Schools

Policy 5600 Student Discipline

Policy 5500 Student Code of Conduct

WVDE Policy 4373: Expected Behavior  
in Safe and Supportive Schools

## Professional Learning

*Mingo  
County  
Board  
of  
Education*

Office of Student Services and Attendance  
Drema J. Dempsey, Director  
Title IX Coordinator



# WVDE

## Policy 4373

# Expected Behavior in Safe and Supportive Schools

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# INAPPROPRIATE BEHAVIORS AND MEANINGFUL INTERVENTIONS AND CONSEQUENCES

The purpose of these regulations is to  
***provide schools with policy that  
creates and ensures  
an orderly and safe environment  
that is conducive to learning.***

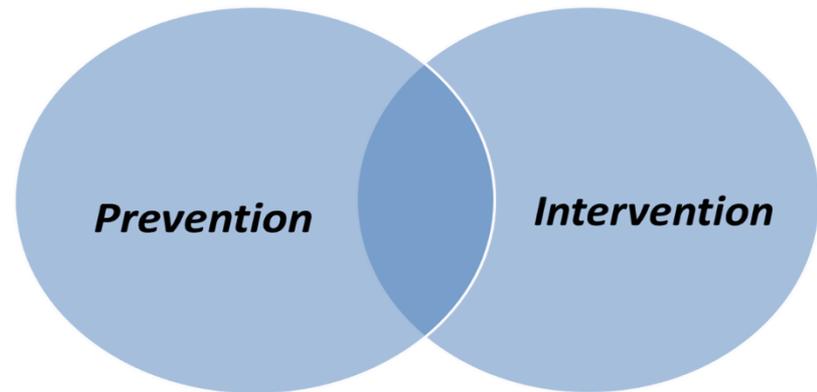
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# Positive School Climate/Culture

## Students, Staff and Parents Feel:

- ▶ Safe . . . emotionally, intellectually and physically
- ▶ Engaged
- ▶ Respected



***Prevention*** is the process in which we teach students to choose acceptable behavior and help them develop an attitude of respect for oneself and others.

***Intervention*** is the process in which we hold students responsible for their behavior and for the consequences of that behavior.



# Student Rights and Responsibilities (continued)

## ▶ **Extra-curricular Activities**

- ✓ Students must meet attendance requirements
- ✓ Maintain 2.0 grade point average

## ▶ **Privacy Rights**

- ✓ School records
- ✓ Confidential medical information
- ✓ Directory information is not considered confidential



# Student Rights and Responsibilities (continued)

## ▶ Protection from Unreasonable Searches and Seizures

- ✓ Constitution protects all citizens from unreasonable searches
- ✓ “Reasonable Suspension”

## ▶ Child Abuse Prevention

- ✓ WV Code requires school personnel to report suspected abuse to DHHR and Law Enforcement

# Expected Behaviors

The expectations outlined in the policy apply in public schools in WV

- ▶ Classroom
- ▶ During education–sponsored events
- ▶ On school premises
- ▶ Buildings or other property
- ▶ School bus or other vehicle
- ▶ Bus stops

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**Expectations apply to:  
students, staff and public guests**



# Inappropriate Behavior

This policy requires  
that all schools  
respond **quickly** and **consistently**  
to any behavior  
that disrupts the learning environment  
in a manner that  
affirms respect for individuals.



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# Level 1

Minimally Disruptive Behaviors- disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others.

**Cheating  
Deceit**

**Disruptive/Disrespectful Conduct  
Falsifying identity**

**Inappropriate appearance**

**Inappropriate display of affection**

**Inappropriate Language**

**Possession of inappropriate  
personal property**

**Failure to serve detention**

**Tardiness**

**Vehicle parking violation**

**Skipping class**

# Level 2

## Disruptive and Potentially Harmful Behaviors-

disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.

**Gang-related activity**

**Habitual violation of school rules or policies**

**Insubordination**

**Leaving school without permission**

**Physical fight without injury**

**Possession of imitation weapon**

**Possession of knife not meeting “dangerous weapon definition”**

**Profane language/obscene gesture/indecent act toward employee or student**

**Technology misuse**



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# Interventions and Consequences

## Level 1 and 2 Inappropriate Behaviors

- Administrator/student conference or reprimand
- Administrator and teacher-parent/guardian conference
- Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.
- Counseling referrals and conference to support staff or agencies
- Behavioral contracts
- Daily/weekly progress reports
- Detention (lunch, before and/or after school
- Denial of participation in class and/or school activities
- Immediate exclusion by teacher from the classroom
- In-school suspension
- While out-of-school suspension is not recommended for Level 1 Behavior, if used at the discretion of the school administrator
- Law enforcement notification if warranted.



# Level 3

**Imminently Dangerous, Illegal and/or Aggressive Behaviors** - are willfully committed and are known to be illegal and/or harmful to people and/or property.

Battery against a student

False fire alarm

Gambling

Larceny

Sexual misconduct

Inhalant abuse

Imitation drugs

Substance containing

tobacco/nicotine

Defacing school property/vandalism

Fraud/forgery

Hazing

Trespassing

Harassment/bullying/intimidation

Threat of injury/assault against an

employee or student

Improper or negligent operation of a

motor vehicle

# Interventions & Consequences

## Level 3 Behaviors

**Level 3 behaviors are:**  
**criminal offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer or actual arrest.**

- Administrator/student conference or reprimand
- Administrator and teacher-parent/guardian conference
- Referral to support staff
- Daily/weekly progress reports
- Detention
- Denial of participation in class and/or school activities
- Immediate exclusion by teacher
- In-school suspension
- **Notification of appropriate Health and Human Resources**
- **Out-of-school suspension for up to ten (10) days**
- **Placement in Alternative Education**
- **Expulsion**



# Level 4

## Safe School Act Behaviors –

West Virginia Codes §18A-5-1 and §18A-5-1a

- ▶ **Battery against a school employee**
- ▶ **Felony**
- ▶ **Illegal substance related behaviors**
- ▶ **Possession and/or use of dangerous weapon**



# Level 4

## Safe School Act Behaviors –

### ***West Virginia Codes §18A-5-1 and §18A-5-1a***

- ▶ require mandatory out-of-school ten (10) day suspension by the principal
- ▶ mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board for possession of a deadly weapon, battery on school employee or sale of a narcotic.
- ▶ Superintendent may lessen the mandatory period of suspension if the circumstances warrant

# Suspended or Expelled Students



## Extracurricular Activities

**“any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the suspension or expulsion.”**

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# Physical Punishment

West Virginia Code [§18A-5-1\(e\)](#) prohibits school employees from using corporal (bodily) punishment on any student.

**No physical punishment of any kind  
can be inflicted upon a student.**

This includes:

- ✓ **hitting or striking** a student on their physical person;
- ✓ **requiring physical activity as a punishment** (this does not apply to physical activity within the structure and context of extracurricular activities);
- ✓ **use of noxious stimuli** (e.g. pepper spray), denial of food or water or other negative physical actions to control behavior; and
- ✓ **seclusion** - a removal in which a student is left unsupervised in a dark area or in any space as an intervention or consequence to inappropriate behavior.

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# Restraint

**Reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. Restraint involves the use of physical force to significantly restrict the free movement of all or a portion of a student's body.**

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- ▶ School employees will be trained in the use of restraint.
- ▶ A core team of personnel in each school must be trained annually.



# Alternative Education for Disruptive Students

West Virginia Code [§18-5-19](#) provides for the creation of Alternative Education programs for students whose disruptive behavior has caused them to be removed from the regular classroom/school setting.

- ▶ Alternative education programs for disruptive students encompass a range of program options such as:
  - in-school suspension;
  - a separate part-time or full-time alternative education classroom – on an alternative site;
  - a school-within a school;
  - a school on an alternative site;
  - an afterschool class/night school program; or
  - a combination academic/work-based program.

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# Law Enforcement

## Prevention Resource Officers (PRO):

PRO Officers are certified police officers, working as fulltime officers who have been assigned to **work fulltime within a public school** during the school year.

## Police Conducting an Investigation in the School:

During a criminal investigation, if a student is to be questioned by the police, or by school officials in the presence of the police, the school administration should **cooperate with the police and help to ensure that the privacy of the student is protected**. The police officer is responsible to ensure that the student's constitutional rights are not violated.



## Chapter 3

# Procedures for Addressing Allegations of Inappropriate Behaviors

### Reporting Inappropriate Behavior

- ▶ Witnessed by school staff
- ▶ Observed by students
- ▶ Observed by public guests
- ▶ Victim of inappropriate behavior

### Investigating Allegations / Inappropriate behavior

- ▶ Immediately undertake an investigation
- ▶ Personal interviews
- ▶ Determination if violation of policy has occurred

# Chapter 4

## Procedures for Taking Action on Substantiated Inappropriate Behaviors

### Intervention and/or Consequence

- ✓ The surrounding circumstances
- ✓ The nature of the behavior
- ✓ Past incidents or patterns of behavior
- ✓ The relationships between the parties involved





# Interventions and Consequences

## Exclusion

- ▶ Excluded from a classroom
- ▶ Excluded from the bus

## Out-of-School Suspension

- ▶ not a recommended consequence or intervention for Level 1 behaviors

## In-School Suspension

- ▶ Temporarily removed from classroom but remains under direct supervision of school personnel



# Out-of-School Suspension

“Out-of-school suspension strategies **should be used sparingly** and shall never deny a student access to instructional material and information necessary to maintain their academic progress.”

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# Interventions and Consequences



## Expulsion

- ▶ Expulsion Hearing
- ▶ Expulsion based on “preponderance of the evidence”
- ▶ Expulsion by the County Board of Education

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# Procedures for Reporting Action on Substantiated Incidents

Schools shall accurately track incidents of inappropriate behaviors as described in this policy. Behaviors shall be reported through:

## WVEIS

- ✓ **Inappropriate Behavior**
- ✓ **Administrative Disciplinary Actions**

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# THANK YOU!



## *Mingo County Board of Education*

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