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### Revised Policy - Vol. 15, No. 2 - August 2023

#### 5600 - STUDENT DISCIPLINE

The Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment that is conducive to teaching and learning. The Board believes schools should undertake proactive, preventive approaches to ensure a positive school climate and culture that fosters learning and personal-social development.

This policy sets forth unacceptable behaviors that undermine a school's efforts to create and maintain a positive school climate and culture. These unacceptable behaviors are prohibited on all school property and school-sponsored events, including extracurricular activities.

**The District shall implement a level/tiered system policy, with teacher input, to provide a framework for student behaviors and consequences.**

All school employees are responsible for providing a safe and supportive school climate and culture. When incidents of inappropriate behavior are witnessed by or reported to school staff and substantiated, the behavior shall be addressed consistently in accordance with the **Interventions and Consequences** behaviors, interventions, and consequences outlined in this policy and with the school implementation plan.

The expectations in this policy apply during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school-related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by the Board, [ ] Educational Services Cooperative (ESC), West Virginia Department of Education (WVDE), West Virginia Board of Education (WVBE) or in another facility or upon any other property being used by any of these agencies. Students' off-campus conduct that would reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes, but is not limited to, blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or staff member.

Students, parents, and spectators ~~will~~ **shall** be informed by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session.

For definitions of behaviors see Board Policy 5500 - Student Code of Conduct.

#### **Corporal Punishment**

**While recognizing that students may require disciplinary action in various forms, the Board of Education cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.**

**No physical punishment of any kind shall be inflicted upon a student. This includes:**

**A. ~~+~~ hitting or striking a student on their physical person;**

**B. ~~+~~ requiring physical activity as a punishment (this does not apply to physical activity within the structure and context**

of extracurricular activities);

- C. Use of noxious stimuli (e.g. pepper spray), denial of food or water or other negative physical actions to control behavior; and
- D. 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. (See Policy 5630.01 - Use of and Restraint and Seclusion with Students for appropriate methods of seclusion.)

Professional staff as well as service personnel staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property. Staff shall be trained to utilize restraint methods.

x 1 Corporal punishment shall not be permitted. If any employee threatens to inflict, inflicts, or causes to be inflicted unnecessary, unreasonable, irrational, or inappropriate force upon a student, s/he may be subject to discipline by this Board and possibly charges of child abuse as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

x The Board shall adopt policies providing for the training of school personnel in alternatives to corporal punishment and for the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline. The Board shall provide for the incorporation and implementation in the schools of a preventive discipline program which may include the responsible student program and a student involvement program which may include the peer mediation program. The Board shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The Board may also establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision-making for students and any other program related to preventive discipline.

1 The Superintendent shall provide administrative guidelines which shall include a list of alternatives to corporal punishment.

### **Behaviors/Interventions Level/Tier System for Behaviors, Interventions, and Consequences**

The definitions for common inappropriate student behaviors are located in Board Policy 5500 - Student Code of Conduct and in West Virginia Board of Education policy 4373. The disciplinary levels for inappropriate student behaviors are defined in four (4) levels as specified in West Virginia Board of Education policy 4373.

Inappropriate behavior ~~should~~ shall be addressed with meaningful, tiered interventions and consequences that strive to improve future behavior. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based interventions designed to keep students in school and engaged in instruction. It is not a requirement schools offer every intervention and consequence listed in this policy.

Out-of-school suspension strategies ~~should~~ shall be used sparingly and shall never deny students access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 and 2 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator with input considered from teachers and service personnel. As per WV Board of Education policy 4373 specific Level 3 behaviors are outlined in WV Code 18A-5-1a(c) and the principal shall address these inappropriate behaviors accordingly. It is critical that Level 3 and 4 behaviors are ~~to be~~ referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

Any student suspended or expelled from school is also suspended from extra-curricular activities for the duration of the out-of-school suspension or expulsion.

When administering interventions and consequences, ~~it the District~~ is required to determine if a student warrants protection under the Individuals with Disabilities in Education Act (IDEA), West Virginia Board of Education policy 2419 and/or Section 504 of the Rehabilitation Act, and Board Policy 5605 – Discipline for Special Education Students.

**DRAFTING NOTE - SELECT ONE OF THE FOLLOWING OPTIONS. Level/Tier System policy in either option must reflect 18A-5-1A and WVBE policy 4373, and include any additional District specific leveling/tiering developed with the input of District teachers. The policy must be clear and concise with specific guidelines and examples.**

**[OPTION 1 - ~~probably current policy, from~~ based on 18A-5-1A and WVBE policy 4373 ~~prior to 2019 amendments~~**

x ] The Board shall train staff regarding the following behaviors & appropriate interventions and consequences.

**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**

#### **A. Behaviors**

The following list of behaviors may result in any or all of the interventions and consequences listed in item B.

1. Cheating
2. Deceit

3. ~~Disruptive/Disrespectful Conduct~~ Conduct that Disrupts or Obstructs the Learning Process of Others in the Classroom **[DRAFTING NOTE: Schools should provide specific examples and define instances of disruptive and obstructive conduct, with associated levels of discipline, in accordance with new statutory requirements]**
4. Failure to Serve Detention
5. Falsifying Identity
6. Inappropriate Appearance
7. Inappropriate Display of Affection
8. Inappropriate Language
9. Possession of Inappropriate Personal Property
10. Skipping Class
11. Tardiness
12. Vehicle Parking Violation

#### B. Interventions and Consequences

Any or all of the items listed below may be used for any of the listed behaviors listed in ~~Item A~~ **Level 1, above.**

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.
4. Counseling referrals and conference to support staff or agencies.
5. Daily/Weekly progress reports.
6. Behavioral contracts.
7. Change in the student's class schedule.
8. School service assignment.
9. Confiscation of inappropriate item.
10. Revocation of privileges.
11. Restitution/Restoration.
12. Detention (lunch, before, and/or after school).
13. Denial of participation in class and/or school activities.
14. Immediate exclusion by teacher from the classroom ~~with a recommended duration of one (1) period/subject of the school day for the first exclusion~~ (WV Code 18A-5-1). (see Board Policy 5610 - **Exclusion from Classroom or School Bus, Suspension, and Expulsion of Students**)
15. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
16. In-school suspension.
17. WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.
18. While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it ~~should~~ **shall** be limited to a maximum of three (3) days.

19. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

**[NOTE: Local District-District policy may reclassify Level 2 inappropriate behaviors, depending on the severity and the repetition of the behaviors, provided the reclassification of the inappropriate behavior is consistent with State law.]**

**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.**

#### A. Behaviors

The following list of behaviors may result in any or all of the interventions and consequences listed in item B.

1. Gang Related Activity
2. Insubordination
3. Leaving School Without Permission
4. Physical Fight Without Injury
5. Possession of Imitation Weapon
6. Possession of Knife Not Meeting Dangerous Weapon Definition (WV Code 61-7-2)
7. Technology Misuse

#### B. Interventions and Consequences

Any or all of the items listed below may be used for any of the listed behaviors listed in ~~item A~~ Level 2, above.

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Referral to support staff or agencies for counseling or other therapeutic services.
4. Daily/Weekly progress reports.
5. Behavioral contracts.
6. Change in the student's class schedule.
7. School service assignment.
8. Confiscation of inappropriate item.
9. Revocation of privileges.
10. Restitution/Restoration.
11. Before and/or after-school detention.
12. Denial of participation in class and/or school activities.
13. Immediate exclusion by teacher from the classroom ~~with a recommended duration of one (1) period/subject of the school day for the first exclusion~~ (WV Code 18A-5-1). (see Board Policy 5610 - **Exclusion from Classroom or School Bus, Suspension, and Expulsion of Students**)
14. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
15. In-school suspension.
16. Out-of-school suspension with a recommended maximum of five (5) days (see Board Policy 5610 - **Exclusion from Classroom or School Bus, Suspension, and Expulsion of Students**).
17. WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.

18. The principal and/or Superintendent may recommend placement in an alternative education program.
19. Expulsion.
20. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

**[NOTE: Local District-District policy may reclassify Level 3 inappropriate behaviors depending on the severity and repetition of the behaviors, provided the reclassification of the inappropriate behavior is consistent with State law.]**

**LEVEL 3: Severely Disruptive, Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with WV Code 18A-5-1a(c).**

- A. Battery Against a Student
- B. Defacing School Property/Vandalism

**Intervention and Consequences** A-In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, intentionally defaces school property or the property of others in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A 5 1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

- C. False Fire Alarm
- D. Fraud/Forgery
- E. Gambling
- F. Habitual Violation of School Rules or Policies

**Intervention and Consequences** A-In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, habitually violates school rules or policies in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A 5 1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

- G. Hazing
- H. Improper or Negligent Operation of a Motor Vehicle
- I. Larceny
- J. Physical Altercation

**Intervention and Consequences** A-In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, participated in a physical altercation while in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A 5 1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

- K. Profane Language/Obscene Gesture/Indecent Act Toward an Employee or a Student

**Intervention and Consequences** A-In addition to the interventions and consequences listed below, a principal may

suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, used profane language directed at an employee or student while in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

L. Sexual Misconduct

M. Threats of Injury/Assault Against an Employee or a Student

**Intervention and Consequences** A-In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, injured, or threatened to injure a student, teacher, administrator or other school personnel while in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

N. Trespassing

O. Harassment/Bullying/Intimidation

**Intervention and Consequences**

Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment, or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, and/or notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school-sponsored functions, and/or notification of law enforcement and/or human services.

P. Imitation Drugs: Possession, Use, Distribution, or Sale; Inhalant Abuse; Possession/Use of Substance Containing Tobacco and/or Nicotine

**Intervention and Consequences**

The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

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

In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to the items listed in the list at Q, below:

Q. Any or all of the items listed below may be used for any of the listed behaviors in Level 3, above:

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Referral to support staff or agencies for counseling or other therapeutic services.
4. Notification of appropriate Health and Human Resources.
5. Daily/Weekly progress reports.
6. Behavioral contracts.

7. Change in the student's class schedule.
8. School service assignment.
9. Confiscation of inappropriate item(s).
10. Revocation of privileges.
11. Restitution/Restoration.
12. Before and/or after-school detention.
13. Denial of participation in class and/or school activities.
14. Immediate exclusion by teacher from the classroom ~~with a recommended duration of one (1) period/subject of the school day for the first exclusion~~ (WV Code 18A-5-1).
15. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
16. In-school suspension.
17. Out-of-school suspension for up to ten (10) days.
18. The principal and/or Superintendent may recommend placement in an alternative education program.
19. Expulsion.

**LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in WV Code 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1993. These laws require that the principal, Superintendent, and District District address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a.**

**A. Battery on a School Employee**

**Interventions and Consequences**

If a student has been suspended for battery on a school employee pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

**B. Felony**

**Interventions and Consequences**

Pursuant to WV Code 18A-5-1a(b), a student that has been suspended by the principal for committing an act or engaging in conduct that would constitute a felony under the laws of this State if committed by an adult on the premises of an educational facility, at a school-sponsored function, or on a school bus, the principal or designee may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

**C. Possession and/or Use of Dangerous Weapon**

**Interventions and Consequences**

A student found in possession of a firearm or deadly weapon pursuant to WV Code 18A-5-1a shall be suspended by the principal. The principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.



## D. Illegal Substance-Related Behaviors

### Interventions and Consequences

A student ~~will~~ **shall** not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol and over-the-counter drugs. Pursuant to West Virginia Board of Education policy 4373, illegal substance-related behaviors include violations of West Virginia Board of Education policy 2422.7 - Standards for Basic and Specialized Health Care Procedures and instances of prescription drug abuse.

#### 1. Alcohol

A principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, possessed alcohol in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

#### 2. Possession of a Controlled Substance

Pursuant to WV Code 18A-5-1a(b), if a student has been suspended for unlawfully possessing a controlled substance governed by the Uniform Controlled Substances Act as described in WV Code 60A-1-101 et seq., the principal or designee may request that the Superintendent recommend to the Board that the student be expelled.

#### 3. Sale or Distribution of a Narcotic Drug

If a student has been suspended for the sale or distribution of a narcotic drug pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

### **[END OF OPTION 1]**

### **[OPTION 2 – District developed level/tier system, must utilize teacher input]**

**DRAFTING NOTE: Identify the behavior for each classification below from Appendix A, WV policy 4373.]**

~~[ ] The Board shall train staff regarding the following behaviors and appropriate interventions and consequences.~~

**~~LEVEL 1: Minimally Disruptive/Obstructive Behaviors – disrupt or obstruct the educational process and the orderly operations of the school but do not pose direct danger to self or others~~**

- A. ~~X~~ \_\_\_\_\_
- B. ~~X~~ \_\_\_\_\_
- C. ~~X~~ \_\_\_\_\_
- D. ~~X~~ \_\_\_\_\_

**~~LEVEL 2: Disruptive/Obstructive and Potentially Harmful Behaviors – disrupt or obstruct 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~~**

- A. ~~X~~ \_\_\_\_\_
- B. ~~X~~ \_\_\_\_\_
- C. ~~X~~ \_\_\_\_\_
- D. ~~X~~ \_\_\_\_\_



**LEVEL 3 : Severely Disruptive/Obstructive, Imminently Dangerous, Illegal and/or Aggressive Behaviors— are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with WV Code 18A-5-1a(c)**

The following Interventions and consequences are at the discretion of the school administrator for Levels 1, 2, and 3, with input considered from teachers/service personnel.

#### **Interventions:**

- A. ~~X~~ Administrator/student conference or reprimand
- B. ~~X~~ Administrator and teacher-parent or guardian conference
- C. ~~X~~ Counseling referrals to support staff or agencies
- D. ~~X~~ Notification of appropriate Health and Human Resources
- E. ~~X~~ Daily/weekly academic and/or behavioral progress reports
- F. ~~X~~ Referral to Student Assistance Team (SAT)
- G. ~~X~~ Behavioral contracts
- H. ~~X~~ Change in the student's class schedule, locker assignment, or seat assignment
- I. ~~X~~ School service assignment

\*WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.

The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent or guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate additional services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

#### **Consequences:**

- A. ~~X~~ Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced, if cheating did not occur on the earned grades and credits.
- B. ~~X~~ Confiscation of inappropriate item.
- C. ~~X~~ Revocation of privileges.
- D. ~~X~~ Detention (lunch, before and/or after school).
- E. ~~X~~ Denial of participation in class and/or school activities.
- F. ~~X~~ Restitution/restoration.
- G. ~~X~~ Immediate exclusion by teacher from the classroom with a recommended duration of one (1) period/subject of the school day for the first exclusion (WV Code 18A-5-1). When a teacher determines that the behavior of the student (grades 6—12) is disorderly conduct, interfering with an orderly educational process or disruptive to the classroom environment, the student may be excluded from the teacher's classroom and may not re-enter the classroom for the remainder of the instructional day. The teacher and principal shall discuss the exclusion within twenty four (24) hours, and the teacher shall enter the action into WVEIS within twenty four (24) hours of the incident. If a student is removed from class three (3) times within one (1) month for similar reasons, the principal may determine that in-school suspension, out of school suspension, or placement in an alternative learning center is appropriate. (WV Code 18A-5-1)
- H. ~~X~~ Voluntary weekend detention (State Superintendent of Schools' Interpretation of May 12, 2006).
- I. ~~X~~ In-school suspension.
- J. ~~X~~ While out of school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should shall be limited to a maximum of three (3) days.
- K. ~~X~~ Out of school suspension with a recommended maximum of five (5) days (See Policy 5611) WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.
- L. ~~X~~ Out of school suspension for up to ten (10) days (see policy 5611).

~~M~~ The principal and/or Superintendent may recommend placement in an Alternative Education program.

~~N~~ Expulsion (see Policy 5611).

~~O~~ Law enforcement notification, if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

~~P~~ Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school sponsored functions, notification of law enforcement and/or human services.

**LEVEL 4: Safe Schools Act Behaviors – are consistent with those addressed in WV Code 18A-5-a and 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1993. These laws require that the principal, Superintendent, and District address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a.**

#### ~~A~~ **Battery Against a School Employee**

##### **Interventions and Consequences**

If a student has been suspended for battery on a school employee pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

#### ~~B~~ **Felony**

##### **Interventions and Consequences**

Pursuant to WV Code 18A-5-1a(b), if a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of this State if committed by an adult on the premises of an educational facility, at a school sponsored function, or on a school bus, the principal or designee may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

#### ~~C~~ **Possession and/or Use of Dangerous Weapon**

##### **Interventions and Consequences**

If a student has been suspended for possession of a firearm or deadly weapon pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

#### ~~D~~ **Sale or Distribution of a Narcotic Drug**

##### **Interventions and Consequences**

If a student has been suspended for the sale or distribution of a narcotic drug pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

**[END OF OPTION 2]**

Nothing in this policy may be construed to be in conflict with the Federal provisions of the IDEA (Public Law 105- 17), or with WV Code 126CSR16, West Virginia State Board of Education policy 2419, Regulations for the Education of Exceptional Students.

**Procedures for Reporting Complaints of Inappropriate Behavior**

All school employees are responsible for assuring a safe and supportive school climate and culture. When incidents of inappropriate behavior are witnessed or known by school staff, the behavior shall be addressed consistently in accordance with West Virginia Board of Education policy 4373 and this policy.

Students shall report any observed violation of ~~Policy 5500~~, **Board Policy 5500 - Student Code of Conduct**, to a school employee.

All violations of the Student Code of Conduct observed by school employees or reported to them by students or others shall be reported to the principal or designee. Appropriate action shall be taken as specified in this policy by the principal or designee. ~~Employee failure to report a violation of responding in a manner that does not promote understanding and respect shall be addressed to their evaluation and may subject them to disciplinary action.~~

When a student is excluded from the classroom by the teacher for disorderly conduct, interfering with an orderly educational process or behaving in a manner that is disruptive to the classroom environment, the teacher has 24 hours to create an electronic record and place the report on this action into West Virginia Education Information System (WVEIS), without any repercussion.

Employee failure to report a violation of responding in a manner that does not promote understanding and respect shall be addressed to their evaluation and may subject them to disciplinary action.

All inappropriate behaviors observed by public guests must be reported to appropriate personnel.

Any person who believes s/he has been the victim of a Student Code of Conduct violation or any person with knowledge or belief of conduct which may constitute a violation of the Student Code of Conduct shall report the alleged acts immediately to a teacher, bus operator or principal or designee as appropriate. This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the State criminal statutes and/or Federal law.

Any student who falsely reports violations of this policy ~~will~~ **shall** be subject to ~~Level \_\_\_\_~~ disciplinary action.

Any administrator or other school personnel who falsely reports violations of this policy ~~will~~ **shall** be subject to disciplinary action, up to and including dismissal.

**[NOTE: Pursuant to West Virginia State Board of Education policy 4373, a ~~District~~ **District** shall develop a process to take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.]**

**Procedures for Investigating Allegations of Inappropriate Behavior**

The ~~District~~ **District** designee shall immediately undertake or authorize an investigation upon receipt of a report or complaint. The investigation may be conducted by school/~~District~~ **District** officials, or by a third party designated by the ~~District~~ **District**, in accordance with this policy and procedures.

The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances within the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

When any student is to be interviewed pursuant to a level 3 or level 4 behavior, a reasonable effort shall be made to contact the student's parent or guardian and invite them to be present during such interview, provided such notification does not compromise overall school/student safety. Parental/guardian notification is encouraged at level 2 and discretionary at level 1.

The principal shall determine whether the alleged conduct constitutes a violation of this policy, take immediate and reasonable steps to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation and assure the investigation shall be completed as soon as practicable but no later than ten (10) school days following the reported violation.

The investigator shall make a report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

The report shall be recorded and filed at the school/~~District~~ **District** level as appropriate. The result of the investigation of each complaint filed under these procedures ~~will~~ **shall** be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

Upon completion of the investigation, the principal shall determine whether the alleged conduct constitutes a violation of this policy, West Virginia State Board of Education policy 4373 or WV Code 18A-5-1a.

Confidentiality of the filing of complaints, the identity of subjects and witnesses and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution shall be provided information. Violations of confidentiality may itself be grounds for disciplinary action.

**~~District~~ **District** Board of Education Action and Reporting**

Schools shall accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns.

Upon receipt of a report substantiated by staff observation or by the investigation, the principal, Superintendent or Board ~~will~~ **shall** take appropriate action against those found to have violated the Student Code of Conduct. (see **Board Policy 5500 - Student Code of Conduct**) In determining the appropriate intervention and/or consequence in response to a level 1 or level 2 behavior, the principal, Superintendent or Board ~~should~~ **shall** consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition to registering informational incidents of inappropriate behavior at the classroom level on the ~~West Virginia Education Information System (WVEIS)~~, **WVEIS**, these reports, including the action taken against the violators of the Student Code of Conduct, shall be filed in:

- A. ~~( ) the permanent record of the student housed at the ( ) school ( ) central~~ **[END OF OPTION]** office
- B. ☒ a separate file (paper or electronic) maintained for each student investigation housed at the ☒ school ~~( ) central~~ **[END OF OPTION]** office
- C. ~~( ) an "investigations" file (paper or electronic) maintained by the ( ) principal ( ) Superintendent's designee~~ **[END OF OPTION]**
- D. ~~X ( )~~ \_\_\_\_\_

The principal or Superintendent shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with the Student Code of Conduct. (see **Board Policy 5500 - Student Code of Conduct**)

The principal and/or other authorized staff shall promptly enter all teacher level documentation as well as an additional entry for administrative disciplinary actions into WVEIS. The teacher level documentation shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal. The Superintendent and/or other authorized staff shall promptly enter the data of the Board's action resulting from expulsion hearings WVEIS.

The principal shall support teachers in the discipline of the students if proper cause and documentation is provided following the schoolwide discipline policy. A teacher may not be reprimanded if their actions are legal and within the structure of the District's policy for student behavior and consequences. If the behavior of the student is considered to be a personality clash and the student may learn better in a different classroom environment, the principal may remove the student immediately and protect the integrity of the classroom.

A teacher may appeal to the Superintendent if a school principal refuses to allow the exclusion of a student from the classroom or if a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom.

### Reprisal

Any student who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations shall be in violation of the Student Code of Conduct and at **no less than a level 3** offense as classified by the Board. An employee who retaliates against any person named above ~~will~~ **shall** be subject to disciplinary action up to and including dismissal. Reprisal includes, but is not limited to, any form of intimidation, retaliation or harassment.

### Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the State criminal statutes and/or Federal law.

### Appeals Procedures

If someone believes the Board has violated the procedural rights set forth in this policy, the person may follow the appeal procedures outlined in West Virginia Board of Education policy 7211 - Conflict Resolution Process for Citizens. The procedures set forth in West Virginia Board of Education policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

### **[ ] District-District Partnership Development**

The Board ~~( ) will~~ **shall** ~~( ) may~~ **[END OF OPTION]** establish ~~District-District~~ agency and organization partnerships with the purpose of providing the ~~District's-District's~~ schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in West Virginia Board of Education policy 4373. At the ~~District-District~~ level, memoranda of understanding and/or contracts are necessary whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements ~~should~~ **shall** clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e., funding, space, staff, and data).

### **District-District Policy Dissemination and Training**

The Board shall develop and implement an ongoing awareness campaign to provide that all students, staff, and parents/guardians understand this policy and West Virginia Board of Education policy 4373.

The Board shall require that all schools provide appropriate policy training.

This policy shall be made readily available to the public in written or electronic format.

The school bus operator shall display the major concepts of West Virginia Board of Education policy 4373 as per West Virginia Board of Education policy 4336 in his/her school bus.

### **~~District~~ District Implementation Plan**

The Board shall address within the Student Support Goal of their strategic plan objectives for policy implementation that ensures each school incorporates the following:

- A. Use of pro-active strategies to develop and support positive behavior in students.
- B. Application of data-driven continuous school climate/culture improvement activities that reflect the particular needs of students and staff members to study, learn and work in positive school climate/culture.
- C. Application of appropriate and consistent interventions for all forms of inappropriate behaviors.

To the maximum extent possible, the implementation plan shall be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and State and local agencies. The plan ~~should~~ shall articulate and incorporate the partnership supports and resources that are available to schools through the ~~District's~~ District's formal and informal partnership agreements.

### **~~District~~ District Evaluation of Effectiveness**

The ~~District~~ District shall review this policy in compliance with Federal and State law and West Virginia Board of Education policy 4373 and other applicable West Virginia Board of Education policies.

To assess the effectiveness of this ~~policy annually with a~~ policy, an annual review of the following data ~~will~~ shall be conducted:

- A. summary data for incidents of inappropriate behavior and intervention responses to incidents;
- B. require LSIC reports;
- C. trend analysis from school climate/culture survey tools (as available);
- D. impact data related to school climate/culture improvement strategies within ~~District~~ District and school strategic plans; and
- E. impact data from training and staff development offered by the ~~District~~ District, ( ) ESC, and/or WVDE.

### **[ ] School Partnership Development**

Each school ~~will~~ shall establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in West Virginia Board of Education policy 4373. Formal partnerships between community service agencies must be approved by the Board.

### **School Policy Dissemination and Training**

To ensure understanding of this policy and the school implementation plan, each school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

This policy shall appear in the student and staff handbooks and if no handbook is available, a copy ~~will~~ shall be distributed to all students, ( ) parents, faculty, and staff.

[ ] This policy or a summary shall be conspicuously posted throughout the Board's facilities in areas accessible to students and staff members.

The ~~District~~ District and/or school shall develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy.

### **School Implementation Plan**

Plans for the implementation of West Virginia Board of Education policy 4373 and this policy ( ) shall ( ) should **[END OF OPTION]** be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn, and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and State and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the ~~District's~~ District's formal and informal partnership agreements as well as through additional school-level partnerships.

At a minimum, schools shall:

- A. establish a leadership team (may be an existing team) to manage the design, monitoring, and improvement of

school climate/culture;

- B. establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents, and community;
- C. develop school-wide priorities for West Virginia Board of Education policy 4373;
- D. analyze school climate/culture data annually;
- E. make data-driven improvement decisions based on analysis of consistently tracked student behaviors;
- F. implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- G. implement programs/practices that promote youth asset development to support expected student behaviors, positive education, and health outcomes;
- H. implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- I. develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- J. evaluate school climate/culture improvement processes and revise as needed.

### School Evaluation of Effectiveness

The school ~~will~~ **shall** review data annually to determine the effectiveness of their implementation plan. This data review may include but not be limited to the following outcome and process data sets:

- A. progress toward implementation plan goals and objectives;
- B. evidence of school climate/culture improvement efforts;
- C. required LSIC reports (WV Code 18-5A-2);
- D. trend analysis from school climate/culture survey tools (as available);
- E. summary data for incidents of inappropriate behavior and intervention responses to incidents; and
- F. evaluation data from training and staff development provided by the ~~District District~~, (x) ESC, and or WVDE.

#### Legal References:

West Virginia Board of Education policy 4373

WV Code 18-5A-1

WV Code 18-5A-2

#### Cross References:

po5500 - Student Code of Conduct

po5605 - Discipline for Special Education Students

po5610 - Exclusion from Classroom or School Bus. Suspension, and Expulsion of Students

po5610.04 - Suspension of School Transportation Privileges and Exclusion from School Bus

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Legal                      West Virginia Board of Education policy 4373  
                                  WV Code 18-5A-1  
                                  WV Code 18-5A-2

Cross  
References

po5500 - STUDENT CODE OF CONDUCT

po5605 - DISCIPLINE FOR SPECIAL EDUCATION STUDENTS

po5610 - EXCLUSION FROM CLASSROOM OR SCHOOL BUS, SUSPENSION, AND  
EXPULSION OF STUDENTS

po5610.04 - SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND EXCLUSION  
FROM SCHOOL BUS