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The final version of the proposed revisions will be presented to the West Virginia Board of Education and placed officially on Public Comment prior to any approval of proposed revisions.

June 23, 2011 Draft

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 99
EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)**

§126-99-1. General.

1.1. Scope. -- This rule sets the requirements for the development of positive school climates that provide optimum learning conditions for both students and staff. Whereas safety and order is the foundation of a positive school climate that supports student academic achievement and personal-social development, this rule also establishes disciplinary guidelines for student conduct that outline behaviors prohibited in West Virginia schools that must be consistently addressed in order to assure the orderly, safe, drug-free, violence- and harassment-free learning environment.

1.2. Authority. – W. Va. Constitution, Article XII, §2, and W. Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5-1, 18-5-13, 18-5A-2, 18-8-8, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, and 61-7-11a.

1.3. Filing Date. – December ??, 2011.

1.4. Effective Date. – July 1, 2012.

1.5. Repeal of Former Rule. -- This legislative rule replaces West Virginia Code §126CSR18, "Racial, Sexual, Religious/Ethnic Harassment and Violence" (Policy 2421) filed December 16, 1996 and effective January 16, 1997; West Virginia Code §126CSR20, "Regulations for Alternative Education Programs for Disruptive Students" (Policy 2418) filed July 14, 2000 and effective August 14, 2000; West Virginia Code §126CSR23, "Substance Abuse and Tobacco Control" (Policy 2422.5) filed May 16, 2005 and effective July 1, 2005; West Virginia Code §126CSR98, "Student Handbook – Student Right and Responsibilities" (Policy 4372) filed November 23, 1998 and effective December 23, 1998; and West Virginia Code §126CSR99, "Student Code of Conduct" (Policy 4373) filed December 16, 2002 and effective July 1, 2003. This policy is to be read in conjunction with ????

§126-99-2. Purpose.

2.1. The West Virginia Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. The West Virginia Board of Education believes further that

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public schools should undertake proactive, preventive approaches to ensure a positive school climate that fosters learning and personal-social development. These regulations require county boards of education to design and implement procedures to create and support continuous school climate improvement processes within all schools that will ensure an orderly and safe environment that is conducive to learning. Public schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.

2.2. These regulations also set forth unacceptable behaviors that undermine a school's efforts to create a positive school climate. These unacceptable behaviors are prohibited on all school property and school sponsored events. West Virginia's public schools must respond immediately and consistently, in accordance with these regulations, to incidents of these prohibited behaviors in a manner that effectively deters future incidents and affirms respect for individuals.

§126-99-3. Incorporation by Reference.

3.1. The West Virginia Procedures Manual for Expected Behavior in Safe and Supportive Schools is attached and incorporated by reference into this policy. Copies may be obtained in the Office of the Secretary of State and from the West Virginia Department of Education (WVDE).

§126-99-4. Application.

4.1. The expectations outlined in these regulations apply to all students, staff and public guests in public schools in West Virginia 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 a county board of education, Regional Education Service Agency (RESA), WVDE, West Virginia Board of Education or in another facility or upon any other property being used by any of these agencies.

4.1.1. Students who do not behave in a manner that promotes a safe and supportive school environment conducive to learning will be subject to the interventions and consequences outlined in Chapter 3 of the accompanying West Virginia Manual for Expected Behavior in Safe and Supportive Schools.

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4.1.2. School staff who do not behave in a manner that promotes a safe and supportive school environment conducive to learning that is consistent with this policy will be subject to disciplinary and/or licensure action in accordance with West Virginia Code §§18A-2-8, 18A-3-2a, 18A-3-3 and 18A-3-6.

4.1.3. Public guests in public schools who do not behave in a manner that promotes a safe and supportive school environment conducive to learning that is consistent with this policy will be subject to removal from school property/events and appropriate notification of local authorities as warranted.

4.1.4. This policy does not supercede any rights granted to special education students by federal or state law or other West Virginia Board of Education policy.

§126-99-5. Severability.

5.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**WEST VIRGINIA MANUAL FOR
EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)**

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**WEST VIRGINIA MANUAL FOR
EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)**

Introduction

The West Virginia Board of Education has the constitutional responsibility to provide for a thorough and efficient public education system. As the State's public education leaders, we accept the responsibility and accountability for bringing about results. This is the promise we make to our students, parents and educators and the obligation we have to the taxpayers of West Virginia. Our vision is to provide an education that supports students to develop into healthy, responsible, and self-directed citizens who have the knowledge and Global21 skills to lead satisfying and productive lives. Within this vision is a goal for all students to develop the personal skills and dispositions of wellness, responsibility, self-direction, ethical character, cultural awareness and good citizenship in an environment that is caring and safe.

If we are to realize our vision, then we must be purposeful in the way we structure our curriculum to teach the valued disposition that we want students to develop and the way we shape our environment to reinforce those behaviors. This West Virginia Manual for Expected Behavior in Safe and Supportive Schools (hereinafter referred to as Policy 4373) provides the procedural guidance to assist county school systems in their efforts to create the climate that supports development of the dispositions that are valued in our communities, state, nation and world.

Chapter 1 EXPECTED STUDENT DISPOSITIONS

Section 1. Rationale for Developing Expected Dispositions

Our nation's founders envisioned the American education system as an institutional structure that would prepare each generation to be active, principled citizens. This vision has placed a great responsibility on schools to sustain a democratic culture. To accomplish this charge, schools must deliberately focus on conveying democratic principles through the explicit curriculum and through the implicit learning that is affected by the manner in which all individuals within a school interact with one another.

Schools must consistently and persistently work to improve their formal curriculum and school climate to develop student knowledge, skills and dispositions that convey our nation's democratic principles. Dispositions are the values, commitments and ethics that influence one's behaviors toward others and affect learning, motivation and development. Dispositions are affected by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice.

The teaching and learning of these valued dispositions are the responsibility of every school employee, student, parent and community member. Every school must inform and engage all stakeholders in teaching, learning and supporting the development of these valued dispositions.

Section 2. School and Community Social Skills Standards

Schools shall implement instruction and supports to promote social and emotional learning in all settings that promote the development of valued student dispositions. The formal curriculum for teaching these dispositions shall be developed by each county board of education for K-12 and each county pre-k steering team for pre-k programs based on age and developmentally appropriate constructs of social and emotional learning standards. Social and emotional learning is the process through which individuals acquire the knowledge, attitudes and skills they need to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and handle challenging situations constructively. Socially competent students are skilled in three core areas:

1. **Self-awareness and Self-management** – students are able to recognize their emotions, describe their interests and values and accurately assess their strengths. They have a well-grounded sense of self-confidence and hope for the future. They are able to manage stress, control impulses and express their

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emotions appropriately in a wide range of situations. They can persevere in overcoming obstacles as well as set and monitor progress toward the achievement of personal and academic goals.

2. **Social awareness and Interpersonal Skills** – students are able to take the perspective of and empathize with others and recognize and appreciate individual and group similarities and differences. They are able to seek out and appropriately use family, school and community resources in age-appropriate ways. They can establish and maintain healthy and rewarding relationships based on cooperation. They resist inappropriate social pressure; constructively prevent, manage and resolve interpersonal conflict; and seek and provide help when needed.
3. **Decision-making Skills and Responsible Behaviors** – students consider ethical standards, safety concerns, social norms, respect for others and the likely consequences of various courses of action when making decisions at school, at home and in the community. They apply these decision-making skills in academic and social situations and are motivated to contribute to the well-being of their schools and communities.

A variety of models may be used to provide instruction in and opportunities to practice, apply and be recognized for social and emotional learning skills. Competence in the use of these skills is promoted in the context of safe and supportive school, family and community learning environments in which students feel valued, respected, connected to and engaged in learning. Social and emotional learning is fundamental not only to social and emotional development but to health, ethical development, citizenship, motivation to achieve and academic achievement.

Social and emotional learning is addressed through West Virginia Board of Education policies such as:

- 2315-Guidance and Counseling
- 21st Century Content Standards and Objectives for West Virginia Schools
 - 2520.4 - Social Studies
 - 2520.55 - Wellness PreK-4
 - 2520.5 - Health Education 5-12
 - 2520.6 - Physical Education 5-12
 - 2520.14 - Learning Skills and Technology Tools
 - 2520.15 - Early Learning Standards Framework: Content Standards and Learning Criteria for West Virginia Pre-Kindergarten (WV Pre-k)
 - 2520.19 - Advisor/Advisee 5-12

Social and emotional learning is also addressed in various county board of education policies, procedures and programs. The shaping of student behaviors is not confined to any one subject area or classroom; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in teaching

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and supporting social and emotional learning skills. In order to comprehensively address the learning standards, schools must analyze the various delivery methods and develop a systemic approach that assures sufficient opportunities to learn and practice the skills throughout the school and community environment so that mastery is achieved and authentically assessed.

In order to achieve social and emotional learning standards, schools must address student development holistically and relate it to real-world functioning. The standards must be taught using culturally appropriate materials and examples that respect individual differences while at the same time acknowledging and celebrating the cultural diversity of students within the classroom, school, community, state, nation and world.

The following social and emotional learning standards, objectives and example behaviors shall be the guide for county boards of education as they develop curriculum for teaching valued student dispositions. The example behavior categories are defined as follows:

1. Individual behaviors – are observable actions that students can demonstrate independently without interaction.
2. Initiative interaction – are observable actions that require students to purposefully start social engagement.
3. Responsive interaction – are observable actions that require students to engage in reaction to social encounters.
4. Work skills interactions – are observable actions that require students to demonstrate social skills and dispositions that are expected in the workplace.

The standards and objectives progress through the grade levels in a spiraling nature. Once the objectives from one level are mastered, they are expected to be reinforced and maintained at higher grade levels as students continually demonstrate that they have integrated the valued dispositions into their personal values and actions.

Standard 1: Self-awareness and Self-management

The self-awareness and self-management standard promotes the development of self-esteem and identification of emotions leading to student self-efficacy to express themselves in constructive ways. These skills enable students to control impulses, manage stress and motivate themselves to establish, monitor and achieve academic and personal goals.

Grades PK-1	Self-awareness and self-management
Objectives	Students will:
PK-1.1.01	Recognize and accurately label emotions and how they are linked to behavior.

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PK-1.1.02	Demonstrate control of impulsive behavior.		
PK-1.1.03	Identify likes and dislikes, needs and wants, strengths and challenges.		
PK-1.1.04	Identify goals for academic success and classroom behavior.		
Example Behaviors that Document Mastery of Self-awareness and Self-management			
Individual Behavior:	Initiative Interaction:	Responsive Interaction:	
<ul style="list-style-type: none">• Maintain focus during learning activities• Speak in a tone of voice appropriate for situation• Maintain correct posture• Enter class without disruption• Follow class routines• Follow school rules	<ul style="list-style-type: none">• Ask the teacher for assistance or information• Express needs, wants and feelings appropriately• Speak confidently with eye contact	<ul style="list-style-type: none">• Answer questions asked by the teacher with eye contact• Respond appropriately to re-direction• Help peers when asked• Follow verbal directions	

Grades 2-4	Self-awareness and self-management		
Objectives	Students will:		
2-4.1.01	Describe a range of emotions and the situations that cause them.		
2-4.1.02	Describe and demonstrate ways to express emotions in a socially acceptable manner.		
2-4.1.03	Describe personal skills and interests that one wants to develop.		
2-4.1.04	Describe the steps in setting and working toward goal achievement.		
2-4.1.05	Describe and demonstrate ways that healthy habits contribute to goal achievement.		
Example Behaviors that Document Mastery of Self-awareness and Self-management			
Individual Behavior:	Initiative Interaction:	Responsive Interaction:	
<ul style="list-style-type: none">• Complete work on time• Internalize class routines• Maintain good grooming• Maintain healthy habits• Avoid inappropriate physical contact• Express enthusiasm for school• Express confidence and positive self-esteem• Ignore distractions	<ul style="list-style-type: none">• Make relevant remarks during classroom discussion• Express emotions in non-violent ways• Choose activities that express one's interests and strengths• Ask peers for help• Make invitations	<ul style="list-style-type: none">• Listen when others speak• Participate in group activities• Help peers when asked• Accept ideas different from one's own• Interact appropriately with adults• Express sympathy• Follow verbal and written directions	

Grades 5-8	Self-awareness and self-management	
Objectives	Students will:	
5-8.1.01	Analyze factors that create stress or motivate successful performance.	
5-8.1.02	Apply strategies to manage stress and to motivate successful performance.	
5-8.1.03	Analyze how personal qualities influence choices and successes.	
5-8.1.04	Set a short-term goal and make a plan for achieving it.	

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5-8.1.05	Analyze why one achieved or did not achieve a goal.		
Example Behaviors that Document Mastery of Self-awareness and Self-management			
Individual Behavior: <ul style="list-style-type: none">• Participate politely in classroom discussions• Initiate positive habits that contribute to school readiness• Take responsibility for completing homework• Appropriately cope with stressful situations• Use technology when it is contextually appropriate without interruption to others	Initiative Interaction: <ul style="list-style-type: none">• Initiate and maintain appropriate conversations• Politely excuse oneself from activities and conversations• Introduce oneself and make introductions• Start activity under one's own motivation	Responsive Interaction: <ul style="list-style-type: none">• Respond appropriately in various situations• Participate in group activities• Help peers when asked• Accept ideas different from one's own• Interact appropriately with adults• Express sympathy• Follow verbal and written directions	

Grades 9-12	Self-awareness and self-management
Objectives	Students will:
9-12.1.01	Analyze how thoughts and emotions affect decision making and responsible behavior.
9-12.1.02	Evaluate how expressing one's emotions in different situation affects others.
9-12.1.03	Generate ways to develop more positive attitudes and evaluate how expressing positive attitudes influences others.
9-12.1.04	Set priorities and monitor progress for self improvement that builds on one's strengths.
9-12.1.05	Analyze how positive adult role models and support systems contribute to school and life success.
9-12.1.06	Evaluate how one's interests, roles and responsibilities contribute to school and life success.
9-12.1.07	Identify and make use of resources to overcome obstacles and achieve goals.
9-12.1.08	Set post-secondary goals with action steps, timeframes and criteria for evaluating achievement.
Example Behaviors that Document Mastery of Self-awareness and Self-management	

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Individual Behavior: <ul style="list-style-type: none"> • Use class time productively • Use non-school time productively • Set personal goals • Control emotions • Identify and manage resources 	Initiative Interaction: <ul style="list-style-type: none"> • Express feelings appropriately • Give compliments • Express dissatisfaction appropriately • Respect the space of others • Stand up for a friend • Initiate post-secondary planning • Utilize technology skills to advance attainment of personal and academic goals 	Responsive Interaction: <ul style="list-style-type: none"> • Recognize feelings of others and respond appropriately • Deal with disappointment in a manner that does no harm • Respond to complaints • Use constructive criticism to make improvements • Complete post-secondary applications 	Work Skills Interactions: <ul style="list-style-type: none"> • Maintain focus on work tasks • Ask for feedback and respond appropriately • Use negotiation skills • Interact appropriately with co-workers, customers and the public • Act as a credible representative of the employer • Encourage positive habits in self and others
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Standard 2: Social-awareness and Interpersonal Skills

Social-awareness involves recognition of the thoughts, feelings and perspectives of others, including those that are different from one's own. Interpersonal skills involve cooperating, communicating respectfully and constructively resolving conflicts with others. Both are essential for building and maintaining positive relationships that are essential to success in school and life.

Grades PK-1	Social-awareness and Interpersonal Skills
Objectives	Students will:
PK-1.2.01	Recognize and accept individual differences in others.
PK-1.2.02	Recognize that others may experience situations differently from oneself.
PK-1.2.03	Use listening skills to identify the feelings and perspectives of others.
PK-1.2.04	Describe positive qualities in others.
PK-1.2.05	Identify ways to work and play well with others.
PK-1.2.06	Demonstrate appropriate social classroom behavior.
PK-1.2.07	Identify problems and conflicts commonly experienced by peers.
PK-1.2.08	Identify approaches to resolving conflicts constructively.
Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills	

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Individual Behavior: <ul style="list-style-type: none"> • Speak in a tone of voice appropriate for the situation • Engage in age-appropriate transition activities • Demonstrate positive dispositions for interacting with peers and adults 	Initiative Interaction: <ul style="list-style-type: none"> • Greet peers positively • Ask other children to play • Take turns in games and activities • Borrow from peers • Compliment others • Appropriately garner attention 	Responsive Interaction: <ul style="list-style-type: none"> • Accept consequences for inappropriate behavior • Engage in turn-taking with peers • Smile when encountering acquaintances • Express empathy for others
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Grades 2-4	Social-awareness and Interpersonal Skills		
Objectives	Students will:		
2-4.2.01	Identify verbal, physical and situational cues that indicate how others may feel and describe the expressed feelings and perspectives of others.		
2-4.2.02	Identify differences among and contributions of various social and cultural groups.		
2-4.2.03	Demonstrate how to work effectively with those who are different from oneself.		
2-4.2.04	Describe approaches for making and keeping friends.		
2-4.2.05	Analyze ways to work effectively in groups.		
2-4.2.06	Describe causes and consequences of conflicts and apply constructive approaches to resolve conflicts.		
Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills			
Individual Behavior:	Initiative Interaction:	Responsive Interaction:	
<ul style="list-style-type: none">• Participate politely in classroom discussions• Express anger in non-aggressive ways• Respect private property• Refrain from cyber-bullying	<ul style="list-style-type: none">• Make invitations• Engage in conversations• Treat others with respect and courtesy• Utilize digital etiquette in personal and academic networking• Apply verbal, written and electronic communication appropriately	<ul style="list-style-type: none">• Listen when another child speaks• Participate in group activities• Help peers when asked• Respect ideas different from one's own• Interact appropriately with adults	

Grades 5-8	Social-awareness and Interpersonal Skills	
Objectives	Students will:	
5-8.2.01	Predict others' feelings and perspectives in a variety of situations.	
5-8.2.02	Analyze how one's behavior may affect others.	
5-8.2.03	Explain how individual, social and cultural differences may increase vulnerability to bullying, identify ways to address it and analyze the effects of taking action to oppose bullying based on individual and group differences.	

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5-8.2.04	Analyze ways to establish positive relationships with others.
5-8.2.05	Demonstrate cooperation and teamwork to promote group effectiveness.
5-8.2.06	Evaluate strategies for preventing and resolving interpersonal problems.
5-8.2.07	Define unhealthy peer pressure and evaluate strategies for resisting it.
Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills	
Individual Behavior: <ul style="list-style-type: none"> • Participate appropriately in group activities in a variety of roles • Dress appropriately for a variety of situations • Exhibit sportsmanship and appropriate audience behavior • Refrain from spreading rumors 	Initiative Interaction: <ul style="list-style-type: none"> • Engage in communications that balance speaking and listening • Utilize cooperation and negotiation in group work • Engage in polite conversation with others about individual, social and cultural differences • Give and ask for directions in public
Responsive Interaction: <ul style="list-style-type: none"> • Respond politely to school and public authorities • Resolve conflict peacefully • Express empathy • Deal with embarrassment in non-aggressive ways • Accept praise with humility • Resist peer pressure to engage in cyber bullying and harassment 	

Grades 9-12	Social-awareness and Interpersonal Skills
Objectives	Students will:
9-12.2.01	Analyze similarities and differences between one's own and others' perspectives and demonstrate how to express understanding or those who hold different opinions.
9-12.2.02	Use conversation skills to understand others' feelings and perspectives and demonstrate ways to express empathy for others.
9-12.2.03	Analyze the origins and negative effects of stereotyping and prejudice and evaluate strategies for opposing stereotyping and prejudice.
9-12.2.04	Demonstrate respect for individuals from different social and cultural groups.
9-12.2.05	Evaluate how advocacy for the rights of others contributes to the common good.
9-12.2.06	Evaluate the effects of requesting support from and providing support to others.
9-12.2.07	Evaluate the application of communication and social skills in daily interactions with peers, teachers and families.
9-12.2.08	Plan and participate in a group project and evaluate one's contribution in groups as both a member and leader.
9-12.2.09	Analyze the role of communication and negotiation skills in conflict resolution and evaluate the use of these skills to reach win-win solutions.
9-12.2.10	Apply conflict resolution skills within a group.
Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills	

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Individual Behavior with which students demonstrate the ability to: <ul style="list-style-type: none">• Refrain from inappropriate public displays of affection• Respect cultural diversity	Initiative Interaction with which students demonstrate the ability to: <ul style="list-style-type: none">• Advocate for self and others• Give affirmations to support others• Express dissatisfaction in appropriate ways• Exercise civic responsibility through participation in student government activities	Responsive Interaction with which students demonstrate the ability to: <ul style="list-style-type: none">• Address rumors appropriately• Respond to peer pressure appropriately and use refusal skills when necessary• De-escalate violent situations (physical and virtual)	Work Skills Interactions with which students demonstrate the ability to: <ul style="list-style-type: none">• Utilize communication, negotiation and conflict resolution skills in the workplace• Advocate for appropriate work conditions• Utilize social skills to improve customer service
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Standard 3: Decision-making Skills and Responsible Behaviors

Decision-making requires an ability to accurately assess a variety of situations, define and evaluate choices, anticipate consequences of each, generate alternative choices and select a responsible choice. Responsible behaviors are those that promote safety, avoid risk, deal honestly and fairly with others and contribute in a positive way to one's classroom, school, family and community.

Grades PK-1	Decision-making Skills and Responsible Behaviors
Objectives	Students will:
PK-1.3.01	Explain why acts that hurt others are wrong.
PK-1.3.02	Identify social norms and safety considerations that guide behavior.
PK-1.3.03	Identify a range of decisions that students make at school.
PK-1.3.04	Identify the positive and negative consequences that link to various decisions.
PK-1.3.05	Make positive choices when interacting with classmates.
PK-1.3.06	Identify and perform roles that contribute to one's classroom.
Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors	

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Individual Behavior: <ul style="list-style-type: none"> • Maintain a work space appropriate to the classroom setting • Speak in a tone of voice appropriate for situation • Apply school rules (i.e. cafeteria, bus, restroom) • Walk in an orderly manner throughout the school building • Utilize good decision-making skills to maintain the safety of self and others 	Initiative Interaction: <ul style="list-style-type: none"> • Tell the truth • Assume classroom leadership roles • Work collaboratively in structured and unstructured activities 	Responsive Interaction: <ul style="list-style-type: none"> • Accept natural consequences for behavior • Use appropriate conflict resolution skills • Use refusal skills to resist peer pressure
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Grades 2-4	Decision-making Skills and Responsible Behaviors		
Objectives	Students will:		
2-4.3.01	Demonstrate the ability to respect the rights of self and others.		
2-4.3.02	Demonstrate knowledge of how social norms affect decision making and behavior.		
2-4.3.03	Identify and apply the steps of systematic decision making.		
2-4.3.04	Generate alternative solutions and evaluate their consequences for a range of academic and social situations.		
2-4.3.05	Identify and perform roles that contribute to one's school and local community.		
Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors			
Individual Behavior: <ul style="list-style-type: none">• Assist in development of classroom rules/norms• Make wise behavior choices• Identify digital resources that inform decision making	Initiative Interaction: <ul style="list-style-type: none">• Engage respectfully with persons of different individual, social and cultural norms• evaluate behavior choices before taking action• set personal and academic goals	Responsive Interaction: <ul style="list-style-type: none">• Accept responsibility for behaviors• Participate in school-wide and community service projects• Choose appropriate behavior when confronted with various options	

Grades 5-8	Decision-making Skills and Responsible Behaviors	
Objectives	Students will:	
5-8.3.01	Evaluate how honesty, respect, fairness and compassion enable one to take the needs of others into account when making decisions.	
5-8.3.02	Analyze the reasons for school and societal rules.	
5-8.3.03	Analyze how decision-making skills improve study habits and academic performance.	
5-8.3.04	Evaluate strategies for resisting pressures to engage in unsafe or unethical activities.	

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5-8.3.05	Evaluate one's participation in efforts to address identified needs in one's school and local community.		
Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors			
Individual Behavior: <ul style="list-style-type: none">• Make thoughtful decisions to balance academic and social success• Assume responsibility for personal and academic success• Seek resources as needed to support success• Refrain from gossiping and cyber-bullying	Initiative Interaction: <ul style="list-style-type: none">• Engage in positive peer groups and activities• Engage in student leadership• Analyze the accuracy of various digital information sources and networks• Employ digital security techniques to protect oneself and others	Responsive Interaction: <ul style="list-style-type: none">• Resist pressure to engage in inappropriate behavior• Consider the impact of various choices on one's friends and family• Adjust inappropriate behaviors based on prior decision-making experience	

Grades 9-12	Decision-making Skills and Responsible Behaviors
Objectives	Students will:
9-12.3.01	Demonstrate personal responsibility in making ethical decisions.
9-12.3.02	Apply ethical reasoning to evaluate societal practices.
9-12.3.03	Evaluate how social norms and the expectations of authority influence one's personal decisions and actions and examine how the norms and expectations of different societies and cultures influence decisions and behaviors.
9-12.3.04	Evaluate personal abilities to gather information, generate alternatives and anticipate the consequences of decisions.
9-12.3.05	Evaluate how responsible decision-making affects interpersonal and group relationships and apply the skills to establish responsible social and work relationships.
9-12.3.06	Analyze how present decision-making impacts post-secondary and career choices.
9-12.3.07	Plan, implement and evaluate one's participation in activities and organizations that contribute to one's school and local community.
9-12.3.08	Work cooperatively with others to plan, implement and evaluate a project that addresses identified needs in one's school and local community.
Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors	

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Individual Behavior: <ul style="list-style-type: none">• Make ethical decisions• Follow digital laws and rules• Establish goals for future success	Initiative Interaction: <ul style="list-style-type: none">• Assess personal values and norms• Act as a responsible role model	Responsive Interaction: <ul style="list-style-type: none">• Apply a decision-making process to academic and social issues• Choose appropriate options to negative peer pressure	Work Skills Interactions: <ul style="list-style-type: none">• Formulate a post-secondary plan• Provide leadership for a school/community service project• Act as a responsible digital citizen
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Section 3. Student Rights and Responsibilities

In addition to the social and emotional learning standards that students must master, they must also be made aware of the specific rights and responsibilities that are afforded them through state and federal laws (see Appendix A).

Chapter 2

PLANNING FOR POLICY IMPLEMENTATION

Section 1. Conceptual Framework

The School and Community Social Skills Standards outlined in Chapter 1 are student focused and articulate the dispositions that students in West Virginia public schools are expected to develop throughout their school career. The West Virginia Board of Education believes that school systems have a fundamental responsibility for creating the opportunity for students to master the standards. However, the full responsibility rests collectively with school systems, families and communities. All entities must work collaboratively to plan, implement and evaluate a systemic approach to shaping the valued dispositions that students must have as they develop into active, respectful and responsible citizens. The system must include schools, families and communities in the effort to teach, support and acknowledge valued dispositions and provide appropriate and meaningful interventions for inappropriate behavior.

Parent, family and community involvement at early childhood, middle and adolescent levels is absolutely fundamental to an effective system of public education. Strong partnerships between homes, schools and communities are needed to ensure a quality education for all children. Parents, teachers and community members, by fostering a sense of cooperative responsibility, can reinforce one another's efforts. Parents, as their children's first and most enduring teachers, can complement their children's school learning and behavior by serving as collaborators in the educational process. Community involvement, including strong business partnerships, promotes a safe and supportive school climate that connects students to a broader learning community. Home-school-community partnerships are essential to the successful implementation of Policy 4373.

In order to convey a pervasive and consistent message that the valued dispositions are a priority, all students, staff and public guests of West Virginia public schools shall behave in a manner that promotes a school climate that is safe and supportive and conducive to developing our valued dispositions. Conduct expectations apply to all students, staff and public guests on school property, school owned/leased buses and vehicles, school bus stops and school sponsored events.

School climate refers to the quality and character of school life and its responsibilities to student success and growth. School climate is based on patterns of people's experience of school life and reflects norms, goals, values, interpersonal relationships, teaching, learning, leadership practices, and organizational structures. A sustainable, positive school climate fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. This climate

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includes norms, values and expectations that support people feeling socially, emotionally, intellectually and physically safe. Students and staff are engaged and respected. Students, families and educators work together to develop, live and contribute to a shared school vision. Educators model and nurture an attitude that emphasizes the benefits and satisfaction from learning. Each person contributes to the operations of the school and the care of the physical, social and emotional environment.

School climate and procedures that support the development of positive school climate are addressed through West Virginia Code and West Virginia Board of Education policies such as:

- 2322-Standards for High Quality Schools (Standard 1 – Positive Climate and Cohesive Culture)
- 2460-Safe and Acceptable Use of the Internet by Students and Educators
- 2510-Assuring Quality of Education: Regulations for Education Programs
- 5202-Licensure of Professional/Paraprofessional Personnel
- 5310-Performance Evaluation of School Personnel
- 5314-Service Personnel Responsibilities and Performance Standards
- 5800-Standards of Professional Practice for WV Superintendents, Principals and Teacher Leaders
- 5902-Employee Code of Conduct

Specific West Virginia Code requirements connected to this policy are outlined in **Appendix B**.

School climate is also addressed in various county board of education policies, procedures and programs. The shaping of student behaviors is not confined to any one school personnel group or program; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in shaping behavior and creating safe and supportive schools.

Section 2. Responsibilities of the WVDE

Policy Development: The WVDE shall review Policy 4373 Shaping Behaviors in Safe and Supportive Schools at least bi-annually and advise the West Virginia Board of Education of needed revisions based on emerging federal and state law as well as research and best practice related to school climate and student behavior. The Department shall also develop model policy and procedure documents to support the policy development requirements of county boards of education.

Partnership Development: School systems cannot provide all of the resources and intervention services that may be required to meet the more severe behavioral needs of students or to address high need concerns within a specific community. For this reason,

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partnerships with other agencies and organizations are essential in order to coordinate a seamless delivery of necessary services and support to implement this policy.

The WVDE shall establish state agency and organization partnerships that enhance the policy development, supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal.

At the state level, formal partnerships are long term commitments that should be operationalized through memoranda of understanding and/or contracts that clearly articulate roles and responsibilities, procedural operations and resource sharing agreements. These formal agreements are necessary when funding, human resources and/or data are being shared.

Informal partnerships may be short or long-term commitments that may or may not require written agreements. These partnerships usually involve collaborative groups that form around common mission and goals to coordinate events, initiatives, resource development/dissemination, service delivery, local partnership development and/or professional development. They do not require formal agency agreements.

In the spirit of promoting successful partnerships at the regional, county and school levels, the WVDE shall provide sample partnership agreements, protocols and best practice documents to guide successful partnership development of this nature.

Training and Technical Assistance: The WVDE shall provide training and technical assistance to school systems and schools in:

- Implementing research-based, effective models for developing and supporting positive school climate (including but not limited to positive behavior programs, character education, peer mediation, conflict resolution and prevention of bullying, harassment, intimidation and substance abuse);
- Addressing school climate improvement within the school improvement planning process;
- Collection and reporting of incident data via the WVEIS; and
- Developing interventions to assure school success for all students.

Evaluation of Effectiveness: The WVDE shall prepare an annual report to the West Virginia Board of Education to include:

- evidence of school climate improvement efforts within county and school strategic plans;
- reported incidents of inappropriate behavior;
- training and staff development offered by the WVDE and RESAs; and
- trend analysis from school climate survey tools (as available).

Section 3. Responsibilities of the RESAs

Partnership Development: RESAs shall establish regional agency and organization partnerships that can provide county boards of education and schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described under Section 2.

Training and Technical Assistance: RESAs shall provide training and technical assistance to school systems and schools in:

- Implementing research-based, effective models for developing and supporting a positive school climate (including but not limited to positive behavior programs, character education, peer mediation, conflict resolution and prevention of bullying, harassment, intimidation and substance abuse);
- Addressing school climate improvement within the school improvement planning process;
- Collection and reporting of incident data via the WVEIS; and
- Developing interventions to assure school success for all students.

Section 4. Responsibilities of County Boards of Education

Policy Development: Each county board of education shall have approved policies and procedures for implementing Policy 4373. Approved county policies shall be submitted to the State Superintendent of Schools by July 1, 2012 and resubmitted thereafter upon approval of any revision. County board policies must address and adhere to all applicable federal and state law (see Appendix B). County board policies and procedures must include guidelines for school level implementation.

County board of education policies shall also include safeguards to protect the safe and supportive environment of the school. These safeguards shall include but not be limited to:

- The responsibility of school administration to implement provisions of this policy with specific regard to education, communication and enforcement provisions;
- Clear procedures for identification, intervention and referral of students with behavioral and substance abuse issues;
- Assurance that no school or board of education property or school or county publication may be used for the advertisement of any product deemed unhealthy or unsafe to students or staff (i.e. tobacco, alcohol, sugary snacks and drinks);
- Assurance that groups using school facilities shall sign agreements with the county board of education agreeing to comply with the environmental safeguards set forth in this policy; and

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- Assurance that students, parents and spectators will 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.

Partnership Development: County boards of education shall establish county agency and organization partnerships with the purpose of providing the county'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 under Section 2.

At the county board of education level, formal partnerships with community service agencies (i.e. behavioral healthcare providers) will be essential to successful implementation of this policy. Specific attention should be given to the development of formal agreements and protocols that assure coordination between agencies and high quality service delivery to students and their families. At the county board of education 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 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, data).

At the county board of education level, informal partnerships may be short or long-term commitments that may or may not require written agreements. These partnerships usually involve collaborative groups that form around common mission and goals to coordinate events, initiatives, resource development/dissemination, service delivery, local partnership development and/or professional development. They do not require formal agency agreements.

Policy Dissemination and Training: To ensure understanding of the county policy for Shaping Behaviors in Safe and Supportive Schools, each county board of education shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

- The county board of education shall ensure that all schools provide appropriate policy training.
- The county board of education shall review their policy at least bi-annually for compliance with federal and state law, and West Virginia Board of Education policy.
- The county board of education policy shall be made readily available to the public in written or electronic format.

Implementation Plan: County boards of education shall develop a strategic plan for policy implementation that ensures each school incorporates the following in their implementation plan:

- Use of pro-active strategies to develop and support positive behavior in students;

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- Application of data-driven continuous school climate improvement activities that reflect the particular needs of students and staff members to study, learn and work in a positive school climate; and
- 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 articulate and incorporate the partnership supports and resources that are available to schools through the county's formal and informal partnership agreements.

Evaluation of Effectiveness: The county board of education shall annually review data related to this policy that shall include:

- summary data for incidents of inappropriate behavior and intervention responses to incidents;
- required LSIC reports;
- trend analysis from school climate survey tools (as available);
- impact data related to school climate improvement strategies within county and school strategic plans; and
- impact data from training and staff development offered by the county, RESA and/or WVDE.

Section 5. Responsibilities of Schools

Partnership Development: Schools will establish community agency and organization partnerships that serve to provide the school with a variety supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described under Section 2. Formal partnerships between community service agencies must be approved through the county board of education.

Policy Dissemination and Training: To ensure understanding of the county policy for Shaping Behaviors in Safe and Supportive Schools 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 be distributed to all students, faculty, and staff.
- The county 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.

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Implementation Plan: Schools shall develop a plan for the implementation of the county policy for Shaping Behaviors in Safe and Supportive Schools. The implementation plan shall reflect the particular needs of students and staff to study, learn and work in a positive school climate. To the maximum extent possible, the 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 articulate and incorporate the partnership supports and resources that are available to the school through the county's formal and informal partnership agreements as well as through additional school level partnerships.

At a minimum, schools shall:

- establish a leadership team (may be an existing team) to manage the design, monitoring and improvement of school climate;
- establish a process to gain school-wide input and commitment to school climate improvement from students, staff, parents and community;
- develop school-wide priorities for Policy 4373;
- analyze school climate data annually;
- make data driven improvement decisions based on analysis of consistently tracked student behaviors;
- implement school-wide instructional plans that provide appropriate interventions to teach and reinforce expected behaviors;
- implement programs/practices that promote youth asset development to support positive education and health outcomes;
- 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;
- develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- evaluate school climate improvement processes and revise as needed.

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

- Progress toward implementation plan goals and objectives
- Evidence of school climate improvement efforts;
- Required LSIC reports (West Virginia Code §18-5A-2);
- Trend analysis from school climate survey tools (as available);
- Summary data for incidents of inappropriate behavior and intervention responses to incidents; and
- Evaluation data from training and staff development provided by the county, RESA and/or WVDE.

Chapter 3

**INAPPROPRIATE BEHAVIOR AND MEANINGFUL
INTERVENTIONS AND CONSEQUENCES**

Section 1. Addressing Inappropriate Behavior with 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. This policy requires that all schools respond immediately and consistently to any behavior that disrupts the learning environment in a manner that effectively deters future incidents and affirms respect for individuals. Inappropriate behaviors include but are not limited to incidents of harassment, intimidation, bullying, substance abuse and/or violence. The intent is for students to learn and exhibit appropriate behavior. All interventions and consequences are in effect on all school property and at all school sanctioned events, including extracurricular activities. Each district, with support from the WVDE and RESAs, will implement proactive, preventative, and responsive programs, outline investigatory and reporting procedures, and delineate meaningful interventions and consequences in response to inappropriate behavior.

This policy classifies inappropriate student behavior in four levels. County policies may reclassify Level 2 and 3 inappropriate behaviors depending on the severity or repetition of the behaviors and provided this reclassification assures that the treatment of the inappropriate behavior is consistent with West Virginia Code.

County/school policies should identify appropriate and meaningful interventions and consequences that include, but are not limited to, examples provided in this policy to address Level 1 and 2 behaviors. School administrators and staff shall exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. 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. Out-of-school suspension is not an optional consequence or intervention for Level 1 behaviors. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as a Level 4 in this policy. 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. In order to create consistency among all schools in the application of suspension and expulsion as they relate to inter-scholastic extracurricular activities, any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the suspension or expulsion.

When administering interventions and consequences, it is required to determine if a student warrants protection under the IDEA, Policy 2419 and or Section 504.

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Section 2. Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences

WVEIS Code	Behavior	Definition	Interventions and Consequences: Optional responses to Level 1 behaviors
LEVEL 1			
BO4	Disruptive Antisocial Conduct	A student will not exhibit behavior characterized by covert and overt hostility and intentional aggression toward others that result in violations of social rules, defiance of authority and of the rights of others, deceitfulness, theft and reckless disregard for self and others.	<ul style="list-style-type: none"> • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Referrals and conference to support staff or agencies • Referral to a tobacco cessation program • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment
BPS	Profane Language/ Obscene Gesture/ Indecent Act	A student will not orally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward another student that causes embarrassment, discomfort, or a reluctance to participate in school activities.	
FO9	Cheating	A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. The response to violations under this section may include academic sanctions in addition to other discipline.	
CO3	Repetitive Disruptive Behavior/ Disorderly Conduct	A student will not behave in a manner that causes disruption or obstruction to the education process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another person, constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.	
FO3	Vehicle Parking Violation	A student will not engage in improper parking of a motor vehicle on school property.	
BO1	Display of Affectionate Behavior	Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.	

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FO4	Inappropriate Appearance	A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.	<ul style="list-style-type: none">• Confiscation of inappropriate item• Revoke privileges• Restitution/restoration• Before and/or after-school detention• Denial of participation in class and/or school activities• Immediate exclusion by teacher from one class period of the school day, (West Virginia Code §18A-5-1)• Weekend detention• In-school suspension• Law enforcement notification if warranted
TO4	Leaving School Grounds Without Permission	A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.	
FO7	Possession of Inappropriate Personal Property	A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.	
TO1	Tardiness	A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.	
VO1	Not Completing Detention	A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.	
VO2	Failure to Attend Detention		
FO8	Trespassing	A student will not enter upon the premises of the county school system property, other than to the location to which the student is assigned, without authorization from proper school authorities.	
TO2	Skippping Class	In accordance with West Virginia Code §126CSR81, West Virginia Board of Education Policy 4110, Attendance, a student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or by the parent/guardian.	
TO3	Skippping School		
ST1	Possession of Tobacco Products	A student will not smoke, use tobacco, or possess any substance containing tobacco in any building/area under the control of a county school system, including all activities or events sponsored by the county school district.	
ST2	Use of Tobacco Products		

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		<p><u>Special considerations must be taken with regard to tobacco and substance abuse whether it involves students, staff or the public on school property of during school sponsored events.</u></p> <ul style="list-style-type: none"> • No person shall, at any time, possess tobacco and/or drug paraphernalia as defined in West Virginia Code §47-19-3. • No person shall at any time distribute or use any tobacco product. • Individuals supervising students off school grounds are prohibited from distributing or using alcohol, tobacco products or illegal substances in the presence of students and/or at any time while engaged in activities directly involving students. 	
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LEVEL 2			
OV1	Possession of Imitation Weapon	A student will not possess any imitation or look-alike weapon	<ul style="list-style-type: none"> • Any Level 1 response • Out-of-school suspension for up to ten (10) days
OK1	Possession of Knife or Knife-like Implement Under 3½ Inches	A student will not possess a knife or knife-like implement under 3½ inches in length	
FO6	Technology Abuse	A student will not violate the terms of West Virginia Code §126CSR41, West Virginia Board of Education Policy 2460, Safety and Acceptable Use of the Internet by Students and Educators. Cyber-bullying and other electronic forms of harassment are prohibited.	
LO4	Falsifying School Documents	A student will not illegally access or alter any school documents or electronic data.	
LO5	Falsely Setting Off Fire Alarm	A student will not knowingly and willingly set off a fire alarm without cause.	
LO7	False Identification	A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.	

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LO8	Falsely Reporting Violations	A student will not verbally or in writing make false report against student(s) or school staff.	
LO3	Forgery	A student will not sign the name of another person for the purpose of defrauding school personnel or the county board of education.	
LO6	Fraud	A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.	
LO2	Gambling	A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.	
GAW GAU GAG GAR	Gang Apparel Gang Communication Gang Assembly Gang Recruitment	<p>A student will not, by use of violence, force, coercion, threat of violence or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's educational mission.</p> <p>Gang activity includes:</p> <p>(a) Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.</p> <p>(b) Using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang.</p> <p>(c) Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.</p> <p>(d) Recruiting student(s) for gangs.</p>	

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FO2	Insubordination	A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.	
FO5	Loitering	A student will not remain or linger on school property without a legitimate purpose and/or proper authority.	
LO1	Theft up to \$999	A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession stolen property valued less than \$1000 which does not belong to the student.	

LEVEL 3			
The inappropriate behaviors identified in Level 3 are considered to be of a very serious nature causing major disruption to the orderly and safe operation of the school. The majority of inappropriate behaviors in the Level 3 category are consistent with those addressed in West Virginia Code §18A-5-1a(b) and (c) and shall be reported immediately to the principal of the school in which the student is enrolled. The principal shall address the violation following the procedures outlined in Chapter 6 of this manual in accordance with West Virginia Code §18A-5-1a, subsections (b) through (h).			
F10	Habitual Violation of School Rules or Policies	A student will not persistently, as defined by the county, refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.	<ul style="list-style-type: none">Any school responses to Level 1 and 2 behaviors.A principal may suspend a student from school and/or school bus transportation if the student, in the determination of the principal, after an informal hearing pursuant to
SA1	Possession of Alcoholic Beverage	A student will not possess, distribute or be under the influence of alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function.	
SA2	Use of Alcoholic Beverage		

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LDP	Defacing School Property/ Vandalism	A student will not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.	<p>West Virginia Code §18A-5-1(d), has committed any Level III Violations.</p> <ul style="list-style-type: none">• If a student has been suspended pursuant to West Virginia Code §18A-5-1a(b) or (c), the principal may request that the superintendent recommend to the county board that the student be expelled following the provisions in subsections (b) through (l) of West Virginia Code §18A-5-1a.• The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.• Agency notification (i.e. West Virginia Department of Health
CHZ	Hazing	A student will not haze or conspire to engage in the hazing of another person. “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 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 activity or organization, including both co-curricular and extra-curricular activities.	
FMV	Improper or Negligent Operation of a Motor Vehicle	A student will not intentionally or recklessly operate a motor vehicle, on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health or welfare of others.	
New Code	Marijuana-Simple Possession	A student will not possess or be under the influence of marijuana in an educational facility, on school grounds, a school bus or at any school-sponsored function.	
New Code	Use of Marijuana		
CP1	Physical Fight	A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons.	
CP2	Battery Against Student	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature on another student.	

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BPE	Profane Language/ Obscene Gesture/ Indecent Act Toward School Employee	A student will not direct profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This inappropriate behavior includes but is not limited to, verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.	and Human Resources, law enforcement).
BPS	Profane Language/ Obscene Gesture/ Indecent Act Toward a Student		
LTM	Theft of \$1000 or greater	A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession, property valued at \$1000 or greater.	
CO6	Threat of Injury	A student will not threaten (verbal or written) or attempt to injure another student, teacher, administrator or other school personnel. [This includes assault on a school employee defined in West Virginia Code 61-2-15(a)].	
CP2	Assault Against School Employee		
CO1	Assault Against a Student		
SD5 SD6 SD7 SD9	Possession, Use, Distribution or Sale of Imitation Drugs	A student will not possess, use, distribute or sell any imitation drugs	

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CHB	Harassment/ Bullying/ Intimidation	A student will not bully/intimidate/harass another student. According to West Virginia Code §18-2C-2, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat that: (a) a reasonable person under the circumstances should know will have the effect of : (1) harming a student; (2) damaging a student's property; (3) placing a student in reasonable fear of harm to his or her person; or (4) placing a student in reasonable fear of damage to his or her property; or (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.	
CHR	Harassment- Race/Religious /Ethnic/Sexual		

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<p>New Code</p>	<p>Sexual Harassment</p>	<p><u>Special considerations must be taken when harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature.</u> In these instances, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:</p> <p>Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:</p> <ul style="list-style-type: none"> • submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or • submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or • creating an intimidating, hostile or offensive employment or educational environment. <p>Sexual harassment may include but is not limited to:</p> <p>unwelcome verbal harassment of a sexual nature or abuse;</p> <ol style="list-style-type: none"> a. unwelcome pressure for sexual activity; b. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact; c. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status; d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; e. unwelcome behavior, verbal or written words or symbols directed at an individual because of gender; or f. the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate or opportunities. 	<p><u>Considerations for Racial, Sexual and Religious/Ethnic Harassment or Violence:</u> Upon receipt of a complaint of racial, sexual and religious/ethnic harassment or violence that has been substantiated through investigation, the head of the agency or the agency's governing board shall take appropriate action against those found to have violated this policy. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, termination and revocation of licensure.</p>
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New Code	Racial Harassment	<p>Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct:</p> <ul style="list-style-type: none"> • has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. 	
New Code	Religious/ Ethnic Harassment	<p>Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:</p> <ul style="list-style-type: none"> • has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. 	
New Code	Sexual Violence	<p>Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:</p> <ul style="list-style-type: none"> • touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; • coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; • coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or • threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another. • threatening or forcing exposure of intimate apparel or body parts by removal of clothing. 	

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New Code	Racial Violence	Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.	
New Code	Religious/ Ethnic Violence	Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.	

LEVEL 4

Behaviors in the Level 4 category are consistent with those addressed in West Virginia Code §18A-5-1a(a) and (b). Level 4 behavior definitions in this policy are aligned with definitions in West Virginia Code §§61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994 (the reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), Public Law 103-382. These laws require that the principal address Level 4 behaviors as follows:

West Virginia Code §18A-5-1a requires the mandatory suspension of the student by the principal from school and/or school transportation after an informal hearing pursuant to subsection (d) of West Virginia Code §18A-5-1a.

1. 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; or unlawfully possessing a controlled substance governed by the Uniform Controlled Substances Act as described in West Virginia Code §§60A-1-101 et seq., in accordance with the application of this policy, the principal may request that the superintendent recommend to the county board that the student be expelled.
2. If a student has been suspended for battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug pursuant to West Virginia Code §18A-5-1a, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.

Upon such request of the superintendent by a principal, the county superintendent shall recommend to the county board that the student be expelled.

1. Upon such recommendation to the county board by the superintendent, the county board shall conduct a hearing in accordance with West Virginia Code §18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student. Students may be expelled pursuant to West Virginia Code §18A-5-1a for a period not to exceed one school year, provided that a county superintendent may lessen the mandatory one-year period of expulsion if the circumstances of the pupil's case demonstrably warrant such a reduction following the guidelines provided in West Virginia Code §18A-5-1a (i).
2. A county board of education that expels a student, may attempt to establish the student as a "dangerous student" as defined in West Virginia Code §18A-5-1a, at a hearing to determine the expulsion of the student. In a notice to the parent/guardian, the county board shall state clearly whether the board will attempt to establish the student as a "dangerous student" and will include any evidence to support its claim in this notice of the hearing date and time. West Virginia Code §18A-5-1a defines a "dangerous student" as a student who is substantially likely to cause serious bodily injury to himself, herself or another individual within that student's educational environment as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense.
3. A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education pursuant to the conditions outlined in West Virginia Code §18A-5-1a but must re-evaluate this decision at least every

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three months.		
CP3	Battery Against School Employee	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in West Virginia Code §61-2-15(b).
XF1	Felony	A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in West Virginia Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (West Virginia Code §61-3-1), malicious wounding and unlawful wounding (West Virginia Code §61-2-9), bomb threat (West Virginia Code §61_6_17), sexual assault (West Virginia Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code §61-6-24), burglary (West Virginia Code §61-3-11), robbery (West Virginia Code §61-2-12), and grand larceny (West Virginia Code §61-3-13).
XBT	Bomb Threat	
XF2	Serious Bodily Injury	
SD1	Possession of Illegal Drugs/ Substance	According to W.Va. Code §18A-5-1a(b)(ii), a student will not unlawfully possess, distribute, or be under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in West Virginia Code §60A-1-101, et seq., on the premises of an educational facility, at a school-sponsored function or on a school bus. This includes violations of §126CSR27 Medication Administration (2422.8) and instances of prescription drug abuse.
SD2	Use of Illegal Drugs/ Substance	
SN1	Sale of a Narcotic Drug	According to West Virginia Code §18A-5-1a, a student will not sell a narcotic drug, as defined in West Virginia Code §60A-1-101, on the premises of an educational facility, at a school-sponsored function or on a school bus.

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WD1	Possession and/or Use of Dangerous Weapon	<p>According to West Virginia Code §18A_5_1a(a), a student will not possess a firearm or deadly weapon as defined in West Virginia Code §61_7-2, on any school bus as defined in West Virginia Code §17A-1-1, or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in West Virginia Code §61-7-11a.</p> <p>As defined in West Virginia Code §61-7-2, a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, switchblade knife, nunchuka, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another. A pocket knife with a blade of three and one-half inches or less shall not be included in the definition of knife as defined in West Virginia Code §61-7-2 unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.</p>
WF1	Possession and/or Use of Handguns	
WF2	Possession and/or Use of Rifels/Shotguns	
WF3	Possession and/or Use of Other Firearms	
WK1	Possession and/or Use of Knives or Kinfe-Like Implement	

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Level 4 Behaviors are Used in the Identification of and Classification of Persistently Dangerous Schools

As required by H.R. 1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind), the following criteria is set forth to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated inappropriate behaviors will be collected using the WVEIS in order to identify and classify a school as persistently dangerous. A West Virginia public school will be classified as a Persistently Dangerous School on or before July 1 of each year if the school has, for two consecutive years, substantiated Level 4 behaviors that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment:

- Battery on a school employee [West Virginia Code §61-2-15(b)].
- Commission of an act that would constitute a felony under the laws of the state.
- Possession of a firearm or deadly weapon as defined in West Virginia Code §61-7-2 on any school bus as defined in West Virginia Code §17A-1-1, or in any public or private primary or secondary education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in West Virginia Code §61-7-11a.
- Sale of a narcotic drug as defined in West Virginia Code §60A-1-101 on the premises of an educational facility, at a school sponsored function or on a school bus.

County School System Requirements Related to Persistently Dangerous Schools:

1. provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3% of the total number of students enrolled in the school, based on the school's second month enrollment;
2. develop a corrective action plan for any school identified as persistently dangerous, submit it to the WVDE, and implement the plan in a timely manner;
3. conduct a timely notification process to inform parents of each student attending a school identified as persistently dangerous of this; provide the opportunity for students to transfer to a safe public school within the county school district; and complete the transfer process for all students wishing to transfer.

WVDE Requirements Related to Persistently Dangerous Schools:

1. provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3.75% of the total number of students enrolled in the school, based on the school's second month enrollment.

A student attending a school identified as persistently dangerous or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, shall be allowed to attend an alternate safe public school within the county school district.

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Section 3. Use of Physical Punishment Prohibited

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; and
- seclusion - a removal in which a student is confined alone in a dark area or in any space with a closed door as an intervention or consequence to inappropriate behavior.

Section 4. Use of Restraint

Reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others. When the use of physical restraint is necessary, the following guidelines must be followed:

Definitions:

- Restraint - the use of physical force to significantly restrict the free movement of all or a portion of a student's body.
- Emergency - a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

A school employee, volunteer and/or independent contractor may use restraint only in an emergency as defined above with the following limitations:

- Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
- Restraint shall be discontinued at the point at which the emergency no longer exists.
- Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- Restraint shall not deprive the student of basic human necessities.
- Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; however, the application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

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School employees, volunteers and/or independent contractors who may need to use restraint shall be provided training according to the following requirements:

- A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint;
- Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 days following the use of restraint;
- Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint;
- All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports;

Comprehensive documentation and immediate notification on use of restraint is required. In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements:

Time Requirement	Documentation/Notification
Immediately following the use of restraint (within one hour)	The principal or designee must be provided verbal and written notification that restraint was used on a given student with a description of the restraint process used.
Same day	A good faith effort shall be made to verbally notify the parents/guardian regarding the use of restraint.
Within one school day	Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian.
Within one school day	Written documentation regarding the use of restraint must be placed in the student's official school record. The information must be available to determine the relationship of a student's behavior as it impacts the student's learning and/or the creation or revision of a behavior intervention plan

Written notification to the parents/guardian and documentation to the student official school record shall include the following:

- Name of the student;
- Name of the staff member(s) administering the restraint;
- Date of the restraint and the time the restraint began and ended;
- Location of the restraint;
- Narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- Documentation of all parental contact and notification efforts.

Section 5. Alternative Education for Disruptive Students

West Virginia Code §18-5-19 provides for the creation of Alternative Education programs to allow for the provision of a free and appropriate education to students whose disruptive behavior has caused them to be removed from the regular classroom/school setting. Nothing in this manual precludes county boards of education from operating alternative education programs for non-disruptive students. The guidelines in this manual apply solely to alternative education programs for disruptive students. The State Superintendent's approval of the county alternative education policies and procedures is required for authorization to operate an alternative education program under these regulations.

For the purposes of this manual, an alternative education program is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. The purposes of these programs are to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of West Virginia and (2) meet the educational needs of disruptive students through the development of alternative education programs.

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;
- a school-within a school;
- a school on an alternative site;
- an after school class/night school program; or
- a combination academic/work-based program.

County boards of education shall have broad flexibility in developing the type or types of alternative education program options needed to meet the needs of disruptive students in the county. County boards of education may request a waiver of State Board of Education policies and regulations in the development and operation of alternative education programs. Such a waiver request does not have to be submitted in accordance with the procedures for requesting waivers stipulated under West Virginia Code 18-5A-3, but may be submitted directly to the State Superintendent of Schools.

Program flexibility does not extend to modifying the provisions of Policy 2419: Regulations for the Education of Exceptional Students in providing alternative education

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programs for students with exceptionalities or Section 504 of the Rehabilitation Act of 1973.

Program Requirements: County boards of education establishing alternative education programs shall meet the following requirements:

- Policies and Procedures - County boards of education shall adopt policies and procedures for the operation of alternative education programs. Policies and procedures shall include, but are not limited to:
 1. the goals of the program;
 2. the eligibility criteria and process for placement of students in the program including the composition of the Alternative Education Placement Team which may be an existing school team such as the Student Assistance Team;
 3. the involvement of parents and community agencies;
 4. length and time of day the after-hours/night school program operates, if applicable;
 5. plan for awarding of credits;
 6. behavioral management plan as an alternative to the county's discipline policy, if applicable;
 7. the staffing plan, personnel qualifications and class size limits;
 8. the criteria for completion of the alternative education program or reentry into regular education; and
 9. the performance measures and process for program evaluation.
- Eligibility for Placement in Alternative Education Programs - Students may be placed in alternative education programs for:
 1. violations of the Productive and Safe Schools Act (West Virginia Code 18A-5-1a) in accordance with the provisions of the Act;
 2. repeated violations of the county's discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school; and
 3. continuation of educational services during periods of suspension.
- Students who have been expelled must be placed in an alternative education program unless found to be a dangerous student under the procedures set forth in West Virginia Code §18A-5-1a.
- Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment unless determined to be a "dangerous student" under the procedures set forth in West Virginia Code §18A-5-1a.

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- Placement of Students in Alternative Education Programs - Placement decisions, excluding short-term in-school suspensions, shall be made by an Alternative Education Placement Team, which may be the Student Assistance Team, as defined in the county's policy and procedures. County school districts shall provide for the opportunity for parents to participate in the placement team meeting. The placement team shall develop a student's written plan which includes academic courses and behavioral components, criteria for re-entry to the regular school program and provisions for periodic review of the student's progress at least on an annual basis. The team for all students with disabilities shall be the IEP team and the written plan shall be the IEP.
- Curriculum - County boards of education shall have an identified written curriculum for alternative education programs based upon State Board of Education approved instructional goals and objectives. The curriculum shall also include a component for teaching and learning responsible behavior. In addition, the county shall provide for the participation of staff certified in the core subject areas in the development of the academic curriculum and the assessment measures to determine mastery of instructional goals and objectives.
- Instruction - County school districts shall deliver instruction in accordance with the following standards:
 1. instructional activities shall be consistent with the written curriculum and appropriate for the students' developmental levels;
 2. instructional materials shall be age appropriate, functionally appropriate, and of high interest level for students;
 3. the program shall provide for individualized instruction and accommodate the entry and exit of students;
 4. curricular and instructional practices shall reflect high expectations for students;
 5. the instructional program shall be delivered in a climate conducive to learning; and
 6. sufficient instructional materials, supplies, and equipment shall be available to deliver the instructional program.
- State Assessment Program - Students enrolled in alternative education programs shall participate in the State Assessment Program, in accordance with State Board of Education Policy 2340: The Statewide Assessment Program. The test scores for these students shall be counted in the results of the home county school of referral.
- Support Services - Students in alternative education programs shall receive school counseling services and/or other support services such as school social work or psychological services as indicated in the student's written plan.

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- Special Education - County boards of education shall comply with applicable state and federal laws and regulations in the education of exceptional students placed in alternative education programs.
- Personnel Selection Criteria - It is the responsibility of the county board of education to select the most qualified applicant(s) to implement the alternative education program. Classroom teachers shall be selected on the basis of the teachers' demonstration of competence in meeting the following standards:
 1. any West Virginia professional teaching certificate;
 2. ability to effect positive behavior in disruptive students;
 3. effective leadership and/or mentoring skills in working with youth;
 4. successful experience in providing education to troubled or disruptive youth;
 5. specialized training or experience in non-traditional programs; and
 6. specialized training in behavior management skills
- Licensure - A teacher assigned to deliver the academic subjects within an alternative education program must possess a West Virginia professional teaching certificate in any area. A Temporary Authorization valid for one year shall be granted to the successful candidate(s) for the alternative education program position(s). The employing county superintendent must verify that the applicant possesses the required competencies. The Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.
- Day-School Programs - Absent expulsion, a student attending an alternative education day school program shall have the opportunity to receive a full-time instructional program and full instructional day.
- After-Hours/Night School Classes - County boards of education are authorized to provide alternative education programs after regular school hours for expelled students and for students who have repeated serious violations of the county's discipline policy following documented multiple behavioral interventions and out-of-school suspensions. After-Hour/Night School programs shall include the provision of academic coursework and development of social skills/pro-social behavior. Unless otherwise required by law, regulation, or court order, transportation services for such programs are at the discretion of the county board of education.
- Home-Based Programs for Disruptive Students - County boards of education may provide home-based programs solely for students expelled under the Productive and Safe Schools Act (West Virginia Code 18A-5-1a) or for disruptive students who meet the eligibility criteria for Home/Hospital Instruction under State Board of Education Policy 2510 - Assuring the Quality of Education: Regulations for Education Programs.

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- Units of Credit - County boards of education shall grant units of credit for work satisfactorily completed in an alternative education program. Units of credit based upon mastery of performance criteria may be granted as an alternative to the standard units of credit.
- Program Completion - Students may complete an alternative education program in one of the following manners:
 1. fulfillment of the criteria for re-entry into the regular school program;
 2. completion of regular high school graduation requirements and awarding of a regular high school diploma from the home county school of referral;
 3. completion of identified performance criteria leading to a high school diploma; or
 4. completion of a GED in accordance with State Board of Education Policy 2444.4: Issuance of High School Equivalent Diplomas, State of West Virginia.

Accountability for Results: County boards of education establishing alternative education programs shall conduct an annual evaluation of the effectiveness of the program (s). The evaluation of the effectiveness of alternative education programs shall focus upon the impact of the program on student performance and results using indicators such as: academic gains; reduction in dropout rates; reduction in incidences requiring disciplinary action; improvement in attendance rates; rates of successful program completion and return to the regular school program; rates of successful completion of vocational training programs; rates of successful completion of high school graduation or attainment of a GED; and rates of successful job placement and job retention.

The WVDE shall review compliance with alternative education requirements and the effectiveness of alternative education programs through monitoring and review of the electronic County Strategic Plan. The alternative education program shall be evaluated on the basis of its stated goals and the provisions of this policy.

Section 6. Collaboration with Law Enforcement Add new section incorporating Pro-Officers and other law enforcement interventions

Police have the responsibility to enforce laws in order to protect all citizens. Police can enter schools if they suspect a crime has been committed, if they have a warrant for an arrest or search, or if their assistance has been requested by school officials. It is the duty of the police, school officials, teachers, and students to cooperate with each other to ensure that the rights of all involved persons are respected.

Police in the schools are to serve under the direction of the principal. If a student is to be questioned by the police, or by school officials in the presence of the police, the school administration should see that the interrogation takes place privately in the

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presence of the principal or his/her representative and that every effort is made to give parent(s)/guardian(s) the opportunity to be present. When police are present, students must be given the same rights as citizens outside schools. Students must be advised of certain rights: to remain silent; that anything they say can be held against them in a court of law; and if they cannot afford an attorney, one will be appointed for them. Students must be informed of these rights before any questions are asked of them. Students must also be protected from coercion (the using of force or threat to obtain information) and illegal restraint.⁴²

Chapter 4
PROCEDURES FOR ADDRESSING ALLEGATIONS
OF INAPPROPRIATE BEHAVIORS

Section 1. Procedures for Reporting Complaints of Inappropriate Behavior

All school employees are responsible for assuring a safe and supportive school climate. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be addressed consistently in accordance with the Interventions and Consequences outlined in Chapter 3 and with the school implementation plan. However, incidents of inappropriate behavior do not always occur in the presence of school employees and are reported to school authorities after the behavior has occurred.

All inappropriate behaviors observed by students or public guests must be reported to the appropriate personnel for appropriate action to be taken as specified in the county policy and school implementation plan. Each county policy and school implementation plan shall designate the individual(s) who will receive complaints about inappropriate behaviors indicated in Chapter 3.

County boards of education shall develop procedures to assure that any person who believes he or she has been the victim of an Inappropriate Behavior as outlined in Chapter 3 or any person with knowledge or belief of conduct which may constitute a violation of Policy 4373 has an identified mechanism to report the alleged acts immediately to the appropriate official(s) designated by the county policy and school implementation plan. Nothing in this policy shall prevent any person from reporting violations directly to the county superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency. 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.

County Boards of Education shall develop appropriate procedures for investigating, reporting, responding, and devising consequences for the failure of an employee to appropriately respond to violations Policy 4373, in accordance with W.Va. §126CSR142 Performance Evaluation of School Personnel (Policy 5310) in a manner that promotes understanding and respect.

Complaint Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: County boards of education, RESAs, and the WVDE shall develop procedures to assure that any person who believes he or she has been the victim of religious/ethnic, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the county board of education, or any person with knowledge or belief of conduct which may constitute religious/ethnic, racial or sexual

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harassment or violence toward a pupil, teacher, administrator or other school personnel has an identified mechanism to report the alleged acts immediately to an appropriate official designated by the agency's policy. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the county superintendent, RESA executive director or the state superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency.

- All alleged incidents of harassment or violence observed by faculty or staff must be reported to the designated investigator and appropriate action should be taken as specified in §126-18-7 and §126-18-8.
- Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the county board of education shall comply with the provisions of law for reporting such abuse.

Section 2. Procedures for Investigating Allegations of Inappropriate Behavior

The individual(s) designated by the county policy and school implementation plan to investigate, shall upon receipt of a report or complaint immediately undertake or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system.

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 giving rise to 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 in connection with an investigation pursuant to a Level IV violation, a reasonable effort shall be made to contact the student's parent, custodian or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels II and III and discretionary at Level I.

The principal shall

- Immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.
- Determine whether the alleged conduct constitutes a violation of this policy.
- Assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

Upon completion of the investigation:

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- A report shall be provided to the principal which includes 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 county/school level as shall be determined in the county policy.
- The conclusion of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint 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 of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

Investigation Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence: County boards of education, RESAs, and the WVDE shall develop procedures following the above guidelines to investigate complaints of religious/ethnic, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the county board of education. For RESAs, the RESA Executive Director shall take the place of the Principal and for the WVDE, the State Superintendent shall take the place of the Principal.

Section 3. Procedures to Prevent Reprisal

The county board of education shall develop discipline procedures to take appropriate action against any student or employee 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. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Likewise, the county board of education shall develop a disciplinary process to take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.

Chapter 5
PROCEDURES FOR TAKING ACTION ON
SUBSTANTIATED INAPPROPRIATE BEHAVIORS

Section 1. Interventions and Consequences of Inappropriate Behavior

It is the intent of the West Virginia Board of Education for schools to pro-active and preventive in their approach to student behavior. It is also the Board's intent that inappropriate behavior be addressed with meaningful interventions and consequences that strive to improve future behavior. Therefore, it is the Board's belief that school administrators and staff shall exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain academic progress. Out-of-school suspension is not an optional consequence or intervention for Level 1 behaviors.

In determining the appropriate intervention and/or consequence in response to a substantiated Level I, II, or III inappropriate behavior, the principal, superintendent and/or local board of education should 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.

Section 2. Guidelines for Specific Responses to Inappropriate Behavior

Exclusion: According to West Virginia Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who:

- is guilty of disorderly conduct;
- interferes with an orderly education process;
- threatens, abuses, intimidates or attempts to intimidate a school employee or student;
- willfully disobeys a school employee; or
- uses profane or abusive language toward a school employee.

Once a student is excluded from the classroom or bus, the student must be referred to the appropriate administrator who will take action, notify the parent/guardian in writing of the action taken, and provide a copy to the teacher or bus driver before the student is readmitted to class or to the bus.

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Suspension: The purpose of suspension is to protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to inappropriate behavior until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days. A student is entitled to an informal hearing when faced with a suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why s/he should not be suspended. However, a student whose conduct is detrimental to the progress and general conduct of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with suspensions are outlined in West Virginia Code §§18A-5-1 and 18A-5-1a and include:

- a. Parent(s)/guardian(s) must be notified promptly in all cases of suspension.
- b. The county superintendent of schools must be notified immediately and preferably in writing of the time and conditions pertaining to the suspension.
- c. A student that is suspended from school may not participate in any school-sponsored activities, and are not permitted on school grounds during the period of suspension without permission of school officials.
- d. No reprisals may be taken by anyone involved in the suspension.

A suspension of more than ten (ten) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with suspensions of more than ten (10) days are outlined in West Virginia Code §§18A-5-1 and 18A-5-1a and include:

- a. Parent(s)/guardian(s) must be informed in writing of the charges against their child, including a summary of the evidence upon which the charges are based.
- b. Upon the student's/parent/guardian's request, a formal hearing must be scheduled before the county board of education.
- c. Students are entitled to be represented or advised during the proceedings by a person or persons of their choosing, including legal counsel.
- d. Students are entitled to be given reasonable time to prepare for the hearing.

Expulsion: The county superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in West Virginia Code §18A-5-1 and §18A-5-1a.

West Virginia Code §18A-5-1 and §18A-5-1a require mandatory suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly

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weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion are outlined in West Virginia Code §§18A-5-1 and 18A-5-1a and include:

- a. The student and parent(s)/guardian(s) must be given a written statement of the specific charges against the student.
- b. The county board of education must hold a hearing regarding the recommended expulsion.
- c. The student and parent(s)/guardian(s) must be given a written notice of the time and place of the board of education hearing at which the expulsion will be considered. This notice must be given far enough in advance for the student to have time to prepare an adequate defense against the charges.
- d. The student and parent(s)/guardian(s) have the right to be present at the board hearing and to defend against the charges.
- e. The student has the right to be represented by an attorney at the hearing at their own expense.
- f. The student has the right to present witnesses in their behalf, to hear the testimony of witnesses against them, and to question the witnesses against them.
- g. The student has the right to remain in school prior to the hearing unless their presence poses a clear danger to the integrity of the learning process or the safety of the faculty or students.
- h. If the board of education decides that the charges against a student do not warrant their expulsion from school, the student may remain in school or return to school without being subjected to punishment or harassment.⁵²
- i. As in court, the burden of proof rests upon the person making the charges; in other words, the student is entitled to a presumption of innocence until proven guilty.
- j. Expulsion by the board of education is final. However, if a student or parent/guardian believes that the student was not given procedural due process or that their substantive due process rights were violated, they may appeal to the State Superintendent of Schools. If the State Superintendent finds that the board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.⁵³

Section 3. Considerations for Transferring Students with Expulsions

Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment unless determined to be a “dangerous student” under the procedures set forth in West Virginia Code §18A-5-1a.

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Section 4. Considerations for Students with Disabilities, Students not yet Determined Eligible for Special Education and Students with 504 Plans

When considering exclusion from the bus or suspension or expulsion from school or the bus for students with disabilities, students not yet determined eligible for special education or students with 504 plans, refer to §126CSR16 “Regulations for the Education of Students with Exceptionalities (Policy 2419), Chapter 7 for specific guidelines related to protections which may be warranted for these students.

Section 5. Procedures for Reporting Action on Substantiated Incidents

It is essential that schools track incidents of inappropriate behavior in order to utilize data for school climate improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns. The WVEIS provides schools with the platform to report all incidents of inappropriate behavior at the classroom level and above. The value of this data rests at the school and county level and is necessary for development and monitoring of Policy 4373 implementation plans.

State level data collection shall include exclusion, suspensions and expulsions. Upon substantiating a complaint of inappropriate behavior resulting in exclusion and/or suspension, the principal or designee shall promptly enter the required disciplinary data into the WVEIS for any violations of Policy 4373. In the event that the county board of education approves an expulsion for an incident that has previously been entered into the WVEIS as a suspension, the superintendent or designee shall promptly update the incident entry to reflect the change to an expulsion.

Reporting Procedure Considerations for Racial, Sexual and Religious/Ethnic Harassment or Violence: Upon receipt of a complaint of racial, sexual and religious/ethnic harassment or violence that has been substantiated through investigation, the head of the agency shall immediately report the incident using the appropriate WVEIS reporting screen.

Section 6. Appeals Procedures

If someone believes that actions have been taken or duties have been neglected pursuant to Policy 4373, they may avail themselves of the appeal procedures outlined in §126CSR188 “Appeals Procedure for Citizens” (Policy 7211). However, the procedures set forth in Policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

Appendices

Appendix A STUDENT RIGHTS AND RESPONSIBILITIES

Rights and responsibilities go hand in hand. Students in West Virginia have basic rights and responsibilities similar to those enjoyed by other citizens. These include the right to the equal protection of the laws and the right to the privileges and immunities of United States citizenship. Enjoyment of these rights is governed by due process of law.

School officials have control over student safety, welfare, and behavior from the time a student boards the school bus or arrives at school until the student returns home or to their designated bus stop. To meet this responsibility school officials have the right and responsibility to adopt rules and regulations for the purpose of maintaining order and discipline and creating a positive learning environment. It is a student's responsibility to obey school rules and regulations and to cooperate with school authorities who enforce these rules and regulations.

Section 1. The Right to a Thorough and Efficient Education

All students, regardless of race, religion, national origin, language, gender, disability, marital status, parenthood, or pregnancy have the right to an equal education opportunity. Students are required by law to attend school regularly until their sixteenth birthday; as long as they continue to be enrolled as a student after their seventeenth birthday; or until their graduation. A student who has not graduated may attend school until they are twenty-one.

Public schooling is tuition-free for all students. School systems, however, may charge tuition for summer school, if offered, provided that any pupil whose parents, in the judgment of the board, are unable to pay such tuition, may attend at a reduced charge or without charge except for post secondary, community education, or adult preparatory programs.

Sherri Goodman is rewording everything in light blue text

A student may be expected to pay certain school fees. However, if a student is unable to pay, school officials may not withhold grades, refuse to promote, withhold a diploma or transcripts, or deny an education.

Section 2. Student Inquiry and Expression

Freedom of Religion - Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for participation in religious activities. An opportunity must be provided for students to make up any work missed; however, it is the

student's responsibility to make up such work pursuant to the rules established by the school or county.

Freedom of Speech - Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal. The United States Supreme Court has ruled that students have the right to display and wear buttons, armbands, flags, decals, or other badges of symbolic speech or expression, provided this activity does not interfere with the orderly process of the school or with the rights of others. It is the students' responsibility to conduct themselves in a manner that does not interfere with the orderly conduct of classes or the normal operation of the school and will not incite others to harm individuals or property. *Is the applicable for social media? Sherri is creating working re: warning that schools can discipline for social media that is disruptive to the orderly process*

Freedom of the Press - This freedom includes the responsibility not to publish obscene, libelous, or false information and not to interfere with the orderly process and normal operation of the school. A student run press can have freedom similar to the freedom enjoyed by the press at large if it is a co-curricular activity. However, if the student run press is the product of a class, then school authorities can exercise editorial control. School officials may prohibit the publication of school papers and the distribution of materials when the materials would interrupt the educational process or infringe upon the rights of others. In order to distribute any literature on school grounds, students must follow all guidelines for distribution. *Should/can we specify editorial controls?*

Freedom To Assemble Peaceably and To Petition the Government - These rights include student assembly, although school officials may designate the time and place of assemblies, and free conversation, except when this would interfere with class or the normal operation of the school. Along with the right to assemble peaceably, students have the right to circulate petitions to be presented to school officials. However, it is a student's responsibility when circulating petitions to respect the orderly process of the school and to respect the rights of others. Students have the right to recite the Pledge of Allegiance and to salute the flag if they so desire. However, if they are opposed for any reason to the pledge or salute, they have the right to abstain from these ceremonies in their school. Students who choose not to participate in these ceremonies have the responsibility to respect the rights of those who do participate and must remain respectfully silent.

Section 3. Non-curriculum Related Student Groups

When high schools allow one or more student groups whose purpose is not directly related to any class taught at the school to meet at the school, this is referred to as a limited open forum. If a school is a limited open forum for any purpose, the school must allow religious, political, and/or philosophical group meetings as long as the meetings are

voluntary, monitored by the school, and do not interfere with the conduct of school activities.

Section 4. Co-Curricular Activities

Co-curricular activities are offered to all students so that skills and knowledge may be developed in areas that supplement the school curriculum. Students may not be denied the right to participate in co-curricular activities because of race, religion, national origin, language, gender, disability, marital status, parenthood or pregnancy. However, participation may be denied if it is considered detrimental to the health and safety of the student or others.

Section 5. Extra-Curricular Activities

Students must maintain a 2.0 grade point average in order to participate in non-academic extra-curricular activities (e.g. interscholastic athletics such as football, basketball, track or wrestling; cheerleading; student government; class officers in grades 6-12). Eligibility is determined for each semester by a student's grade point average for the previous semester. *How does this work with students on the GED option?*

Fees may be required to help support the cost of co-curricular and extra-curricular activities; however, the fees should be kept to a minimum in order to further equal opportunity for participation regardless of economic status. Fees required should be the same for female and male students. If fees are to be paid by a student who cannot afford those fees, school officials shall develop options that will allow the student to participate.

Section 6. Personal Appearance

Students have the right to choose their own styles of dress and hair. The county board of education may reasonably limit the personal appearance and dress of its students if the objectives of the regulation are reasonably related to a valid educational objective such as teaching community values or maintaining school discipline. For example, proper attire is required when participating in athletics and working around or with food, machinery or chemicals. Health, safety, morals, community standards and welfare are considered when rules are made determining appropriate styles of dress and hair. Any rules regarding appearance that are imposed by a school must be generally the same for female and male students. The county board of education may adopt a policy regarding the wearing of school uniforms following the guidelines of W.Va. Code §18-2-35 and WV Board of Education Policy 4374 School Uniforms.

Section 7. Privacy

Students have certain privacy rights regarding school records. To ensure this privacy, the West Virginia Board of Education has adopted a policy which provides regulations for schools to follow regarding school records. Parent(s)/guardian(s) of students under eighteen years of age are entitled by law to inspect and review their child's school records. This right applies to both custodial and non-custodial parents. Students have these same rights if they are eighteen years of age or older. [A guidance counselor or other school official may be needed to assist in interpreting the information in a student's permanent record file, but their assistance is not required.](#)

If a student or parent/guardian believe that information contained in an education record is inaccurate or misleading or violates the student's privacy or other rights, the student or parent/guardian may request that the records be amended. If the school does not amend the records, a hearing may be requested to challenge the content of the records.

Except in certain instances, school officials may not release information from a student's records without the consent of a parent or guardian, or student if the student is eighteen years of age or older. For example, confidential medical information cannot be released without the consent of the parent(s)/guardian(s) or eligible student's specific written consent. However, under certain conditions, authorized persons or agencies may receive information without consent. [School officials must release any information if served with a valid subpoena for that information.](#) Need to give notice -- Sherri

Section 8. Protection from Unreasonable Searches and Seizures

[Needs legal review](#) Federal and state constitutions guarantee protection for all citizens from unreasonable searches and seizures. State and federal laws regulate searches and seizures by police officers. Although school personnel are less restricted than police officers in this regard, searches and seizures by school officials must be reasonable. School officials who conduct reasonable searches do not need search warrants. Student lockers and desks are held secure from everyone except school officials or their designees who do have the right to search them. A student has a right to privacy and may reasonably expect that their locker or person will not be searched unless the search is reasonable, based upon the information known by the official at the time of search. Personal property may be searched by those authorized where there is "reasonable suspicion" to believe that student property contains stolen articles, illegal items or other contraband as defined by law or by local board or school policy.

[Search of body...](#)

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The Fourth Amendment protects you from arbitrary searches by the police and by school officials.

Section 9. Child Abuse Prevention

Students have the right to grow up without being physically or sexually abused at school, in the home or the community. State law requires teachers, counselors, nurses, or other professionals who suspect that a student is being abused to report the circumstances to the West Virginia Department of Health and Human Resources. Victims of abuse may seek the advice or assistance of a teacher, counselor, nurse, or other school professional. The school professional will assist students in getting needed help to prevent the abuse from recurring.

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Appendix B

West Virginia Board of Education/WVDE Responsibilities:

West Virginia Code	Requirement
§18-2C-3	Prohibiting harassment, intimidation or bullying
§18-9F-9	School crisis response planning

County Board of Education Responsibilities:

West Virginia Code	Description	County
§18-2C-3	Prohibiting harassment, intimidation or bullying West Virginia Code	<ul style="list-style-type: none"> • Establish a policy prohibiting harassment, intimidation or bullying • policy contain, at a minimum, the requirements of subdivision WV §18-2C-3 (b) of this section • Ensure policy be adopted through a process that includes representation of parents or guardians, school employees, school volunteers, students and community members • Adopt the policy and submit a copy to the state superintendent of schools • County board's policy shall appear in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school
18-5A-2	Local School Improvement Councils West Virginia Code	<ul style="list-style-type: none"> • Set annual meeting agenda for LSIC and county board. [18-5A-2 (7)(i)] • Respond to LSIC transmittals according to policy timelines. [18-5A-2 (7)(l)(2)(b)] Meet annually with Local School Improvement Council on predetermined agenda items. [18-5A-2 (2)(h)] • Receive, review and file all written recommendations of Policy 4368 from the LSIC of each school. [18-5A-2 (2)(l)(2)(b)] , [Policy 4368] • Retain file and maintain for public review all written transmittals of unfair or inconsistent student discipline as submitted by LSIC. [18-5A-2 (7)(l)(b)]

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West Virginia Code	Description	County
16-9A-4	Ban the use of tobacco products by minors. http://wvde.state.wv.us/policies/p2422.5.doc (Drug-Free Workplace)	<ul style="list-style-type: none"> • Have a substance abuse and tobacco control policy that meets the stipulations of this policy and adheres to the guidelines • Implement provisions of this policy with specific regard to education, communication and enforcement provisions • Review its substance abuse and tobacco control policy every two years and make appropriate modifications as necessary
16-9A-9	Tobacco products known as "bidis" prohibited WV Code 9 http://wvde.state.wv.us/policies/p2422.5.doc (Drug-Free Workplace)	<ul style="list-style-type: none"> • Have a substance abuse and tobacco control policy that meets the stipulations of this policy and adheres to the guidelines • implement provisions of this policy with specific regard to education, communication and enforcement provisions • review its substance abuse and tobacco control policy every two years and make appropriate modifications as necessary
17A-1-1	Motor Vehicle Administration, Registration, Definitions Search Results: "WVC 17 a"	<ul style="list-style-type: none"> • Adhere to definitions of code
18-2-5	Public school entrance age WV Code 5	<ul style="list-style-type: none"> • Shall not be permit child to enter the public schools of this state in any school year, beginning with the school year one thousand nine hundred eighty-three--eighty-four, unless such child be six years of age prior to the first day of September of such school year or is attending public school in accordance with article twenty of this chapter:
18-2-7b	Programs in drug prevention and violence reduction WV Code 7B	<ul style="list-style-type: none"> • Assure implementation of prescribed programs within the existing health and physical education program which teach resistance and life skills to counteract societal and peer pressure to use drugs, alcohol and tobacco • Include counselors, teachers and staff in full implementation of the program • Assure implementation of prescribe dprograms to coordinate violence reduction efforts in schools and between schools and their communities and to train students, teachers, counselors and staff in conflict resolution skills. The program shall be comprehensive, interdisciplinary and shall begin in elementary school.

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West Virginia Code	Description	County
18-2-9	Required courses of instruction; violation and penalty WV Code 9	<ul style="list-style-type: none"> • Ensure adherence to policy and code
18-2C-1 et seq.	HARASSMENT, INTIMIDATION OR BULLYING PROHIBITION West Virginia Code	<ul style="list-style-type: none"> • Establish a policy prohibiting harassment, intimidation or bullying • Each county board has control over the content of its policy as long as the policy contains, at a minimum, the requirements of subdivision (b) of this section. (county board has control over the content of its policy as long as the policy contains, at a minimum, the requirements of subdivision (b) of this section) • The policy shall be adopted through a process that includes representation of parents or guardians, school employees, school volunteers, students and community members <p>B: • Each county board policy shall, at a minimum, include the following components</p> <ul style="list-style-type: none"> - statement prohibiting harassment, intimidation or bullying of any student on school property or at school sponsored events - definition of harassment, intimidation or bullying no less inclusive than that in section two of this article - procedure for reporting prohibited incidents - requirement that school personnel report prohibited incidents of which they are aware - procedure for documenting any prohibited incident that is reported - procedure for responding to and investigating any reported incident - strategy for protecting a victim from additional harassment, intimidation or bullying, and from retaliation following a report - disciplinary procedure for any student guilty of harassment, intimidation or bullying; and - requirement that any information relating to a reported incident is confidential, and exempt from disclosure under the provisions of chapter twenty-nine-b of this code. <p>C: • adopt the policy and submit a copy to the state superintendent of schools by the first day of December, two thousand one</p> <p>E: • Notice of the county board's policy shall appear in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school</p> <p>§18-2C 5</p> <ul style="list-style-type: none"> • To the extent state or federal funds are appropriated for these purposes, each school district shall: <ul style="list-style-type: none"> - Provide training on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students - Develop a process for educating students on the harassment, intimidation or bullying policy - incorporated Information regarding the county board policy against harassment, intimidation or bullying into each school's current employee training program.

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West Virginia Code	Description	County
18-8-8	Compulsory school attendance; exemptions West Virginia Code	<ul style="list-style-type: none"> • Approve home instruction requests • Approve home instruction location/place • Request information and records as may be required periodically with respect to attendance, instruction and progress of students receiving instruction • County superintendent may seek from the circuit court of the county an order denying home instruction of the child • Annually, the person or persons providing home instruction shall present to the county superintendent or county board a notice of intent to provide home instruction and the name, address, age and grade level of any child of compulsory school age to be instructed: <i>Provided</i>, That if a child is enrolled in a public school, notice of intent to provide home instruction shall be given at least two weeks prior to withdrawing the child from public school • Person or persons providing home instruction shall submit satisfactory evidence of a high school diploma or equivalent • On or before June 30 annually, the person or persons providing home instruction shall obtain an academic assessment of the child for the previous school year and submit the results to the county superintendent. When the academic assessment takes place outside of a public school, the parent or legal guardian shall pay the cost • receives a written narrative indicating that a portfolio of samples of the child's work has been reviewed and that the child's academic progress for the year is in accordance with the child's abilities. If the narrative indicates that the child's academic progress for the year is in accordance with the child's abilities, the child is considered to have made acceptable progress • county superintendent assures the child completes an alternative academic assessment of proficiency that is mutually agreed upon by the parent or legal guardian and the county superintendent. Criteria for acceptable progress shall be mutually agreed upon by the same parties • county board shall notify the parents or legal guardian of the child, in writing, of the services available to assist in the assessment of the child's eligibility for special education services when the annual assessment fails to show acceptable progress as defined under the appropriate assessment option set forth in paragraph (D) of this subdivision • In the event that the child does not achieve acceptable progress as defined under the appropriate assessment option set forth in paragraph (D) of this subdivision for a second consecutive year, the person or persons providing instruction shall submit to the county superintendent additional evidence that appropriate instruction is being provided. • County superintendent or a designee shall offer such assistance, including textbooks, other teaching materials and available resources, all subject to availability, as may assist the person or persons providing home instruction
18-8-8	Child suspended for failure to comply with requirements and regulations treated as unlawfully absent WV Code 8	<ul style="list-style-type: none"> • Receive notification from schools of child suspension and follow policy and code accordingly
18-9F-1	SCHOOL ACCESS SAFETY ACT West Virginia Code	

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West Virginia Code	Description	County
18-9F-3	School access safety plan West Virginia Code	<p>•Each county board seeking funds for school access safety projects during a fiscal year shall submit to the authority a school access safety plan or annual plan update that addresses the school access safety needs of each school facility in the county. In developing its plan, the county board shall consult with the Countywide Council on Productive and Safe Schools in accordance with the provisions of this section and section forty-two, article five of this chapter.</p> <p>The safety plan shall include at least the following:</p> <p>(1) A countywide inventory of each school facility's means of ingress to and egress from the school for students, school employees, parents, visitors and emergency personnel including, but not limited to:</p> <p>(A) The number of controlled points of ingress to the school facility;</p> <p>(B) The number and placement of exterior doors;</p> <p>(C) The use of monitoring systems on exterior doors;</p> <p>(C) The use of monitoring systems on exterior doors;</p> <p>(D) The use of timed, magnetic or other locks on exterior doors;</p> <p>(E) The use of two-way communication systems between points of ingress and school personnel;</p> <p>(F) The use of functional panic or other alarm hardware on exterior doors; and</p> <p>(G) The use of remote visitor access systems on points of ingress;</p> <p>(2) The recommendations and guidelines developed by the Countywide Council on Productive and Safe Schools pursuant to section forty-two, article five of this chapter, together with the county board's assessment of the recommendations and guidelines;</p> <p>(3) Recommendations for effective communication and coordination between school facilities, local law-enforcement agencies and local emergency services agencies in the county;</p> <p>(4) An assessment of the current status of crime committed on school campuses and at school-related functions;</p> <p>(5) A projected school access safety repair and renovation schedule for all school facilities in the county;</p> <p>(6) A prioritized list of all projects contained in the plan, including the projected cost of each project;</p> <p>(7) A description of how:</p> <p>(A) The plan addresses the goals of this article and guidelines established by the authority;</p> <p>(B) Each project furthers the county board's safety plan, facilities plan and school major improvement plan;</p> <p>(8) Notation of the funds available for allocation and disbursement to the county board pursuant to section six of this article;</p>

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West Virginia Code	Description	County
		<p>(9) A description of any source of local funds that the county board intends to contribute to the safety projects, or an approved financial hardship waiver, to satisfy the local contribution requirements of section six of this article; and</p> <p>(10) Any other element considered appropriate by the authority or required by the guidelines established pursuant to section three of this article, including any project and maintenance specification.</p>
18A-1-1	<p>School Personnel Definitions</p> <p>West Virginia Code</p>	
18A-5-1	<p>Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.</p> <p>WV Code 1</p>	<ul style="list-style-type: none"> •County board shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct these students' behaviors so they can return to a regular classroom without engaging in further disruptive behavior. •Prohibit Corporal punishment of any student by a school employee. •County board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions •These policies shall encourage the use of alternatives to corporal punishment, 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. •County boards shall provide for the immediate 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, devised by the West Virginia Board of Education. Each county board may modify those programs to meet the particular needs of the county. •County boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. •County boards also may 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. •Assure corporal punishment of any student is prohibited

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West Virginia Code	Description	County
18A-5-1a	<p>Safe Schools Possessing deadly weapons on premises of educational facilities; possessing a controlled substance on premises of educational facilities; assaults and batteries committed by pupils upon teachers or other school personnel; temporary suspension; hearing; procedure, notice and formal hearing; extended suspension; sale of narcotic; expulsion; exception; alternative education.</p> <p>WV Code Chapter 18A Article 5</p>	<ul style="list-style-type: none"> •Upon such a request by a principal, the county superintendent shall recommend to the county board that the student be expelled. •Upon such recommendation, the county board shall conduct a hearing in accordance with subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student. •Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student. •Upon such recommendation by the county superintendent, the county board may hold a hearing in accordance with the provisions of subsections (e), (f) and (g) of this section to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board may expel the student. •County board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions. These policies shall encourage the use of alternatives to corporal punishment, 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 •County boards shall provide for the immediate 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, devised by the West Virginia Board of Education. Each county board may modify those programs to meet the particular needs of the county. •County boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The county boards also may 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.

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West Virginia Code	Description	County
60A-1-101	Use of tobacco or tobacco products in certain areas of certain public schools prohibited; penalty West Virginia Code	<ul style="list-style-type: none"> • Every person who shall smoke a cigarette or cigarettes, pipe, cigar or other implement, of any type or nature, designed, used or employed for smoking any tobacco or tobacco product; or who shall use any tobacco product, whether chewing tobacco, snuff or otherwise, in any building or part thereof used for instructional purposes, in any school of this state, as defined in section one, article one, chapter eighteen of this code, or on any lot or grounds actually used for instructional purposes of any such school of this state while such school is used or occupied for school purposes, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than one nor more than five dollars: Provided, That this prohibition shall not be construed to prevent the use of any tobacco or tobacco product in any faculty lounge or staff lounge or faculty office or other area of said public school not used for instructional purposes: Provided, however, That students do not have access thereto: Provided further, That nothing herein contained shall be construed to prevent any county board of education from promulgating rules and regulations that further restrict the use of tobacco or tobacco products, in any form, from any other part or section of any public school building under its jurisdiction.
60A-7-11a	No longer in state code	•
61-2-15	Assault, battery on school employees; penalties	<ul style="list-style-type: none"> • (a) If any person commits an assault: (1) By unlawfully attempting to commit a violent injury to the person of a school employee while he or she is engaged in the performance of his or her duties, is commuting to or from his or her place of employment or if the motive for the assault is retaliation for some action taken by the employee to supervise or discipline one or more pupils pursuant to sections one or one-a, article five, chapter eighteen-a of this code; or (2) by unlawfully committing an act which places a school employee in reasonable apprehension of immediately receiving a violent injury while the employee is engaged in the performance of his or her duties, is commuting to or from his or her place of employment or if the motive for the assault is retaliation for some action taken by the employee to supervise or discipline one or more pupils pursuant to sections one or one-a, article five, chapter eighteen-a of this code, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail not less than five days nor more than six months and fined not less than fifty dollars nor more than one hundred dollars. (b) If any person commits a battery: (1) By unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee while he or she is engaged in the performance of his or her duties, is commuting to or from his or her place of employment or if the motive for the battery is retaliation for some action taken by the employee to supervise or discipline one or more pupils pursuant to sections one or one-a, article five, chapter eighteen-a of this code; or (2) by unlawfully and intentionally causing physical harm to a school employee while he or she is engaged in the performance of his or her duties, is commuting to or from his or her place of employment or if the motive for the battery is retaliation for some action taken by the employee to supervise or discipline one or more pupils pursuant to sections one or one-a, article five, chapter eighteen-a of this code, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail not less than ten days nor more than twelve months and fined not less than one hundred dollars nor more than five hundred dollars. (c) For the purposes of this section, "school employee" means a person employed by a county board of education whether employed on a regular full-time basis, an hourly basis or otherwise. For the purposes of this section, a "school employee" includes a student teacher

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West Virginia Code	Description	County
61-7-11a	<p>Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver license; possessing deadly weapons on premises</p> <p>WV Code 11A</p>	<p>(a) The Legislature hereby finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending, and the persons employed by, schools in this state and for those persons employed with the judicial department of this state. It is for the purpose of providing such assurances of safety, therefore, that subsections (b), (g) and (h) of this section are enacted as a reasonable regulation of the manner in which citizens may exercise those rights accorded to them pursuant to section twenty-two, article three of the Constitution of the state of West Virginia.</p> <p>(b) (1) It shall be unlawful for any person to possess any firearm or any other deadly weapon on any school bus as defined in section one, article one, chapter seventeen-a of this code, or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational education building, structure, facility or grounds thereof where secondary vocational education programs are conducted or at any school-sponsored function.</p> <p>(2) This subsection shall not apply to:</p> <p>(A) A law-enforcement officer acting in his or her official capacity;</p> <p>(B) A person specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;</p> <p>(C) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle, or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;</p> <p>(D) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms; or</p> <p>(E) The official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his or her official capacity.</p> <p>(3) Any person violating this subsection shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary of this state for a definite term of years of not less than two years nor more than ten years, or fined not more than five thousand dollars, or both.</p> <p>(c) It shall be the duty of the principal of each school subject to the authority of the state board of education to report any violation of subsection (b) of this section discovered by such principal to the state superintendent of schools within seventy-two hours after such violation occurs. The state board of education shall keep and maintain such reports and may prescribe rules establishing policy and procedures for the making and delivery of the same as required by this subsection. In addition, it shall be the duty of the principal of each school subject to the authority of the state board of education to report any violation of subsection (b) of this section discovered by such principal to the appropriate local office of the division of public safety within seventy-two hours after such violation occurs.</p> <p>(d) In addition to the methods of disposition provided by article five, chapter forty-nine of this code, any court which adjudicates a person who is fourteen years of age or older as delinquent for a violation of subsection (b) of this section may, in its discretion, order the division of motor vehicles to suspend any driver's license or instruction permit issued to such person for such period of time as the court may deem appropriate, such suspension, however, not to extend beyond such person's nineteenth birthday; or, where such person has not been issued a driver's license or instruction permit by this state, order the division of motor vehicles to deny such person's application for the same for such period of time as the court may deem appropriate, such denial, however, not to extend beyond such person's nineteenth birthday. Any suspension ordered by the court pursuant to this subsection shall be effective upon the date of entry of such order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward the same to the division of motor vehicles.</p> <p>(e) (1) If a person eighteen years of age or older is convicted of violating subsection (b) of this section, and if such person does not act to appeal such conviction within the time periods described in subdivision (2) of this subsection, such person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.</p> <p>(2) The clerk of the court in which the person is convicted as described in subdivision (1) of this subsection shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward such transcript when the person convicted has not requested an appeal within twenty days of the sentencing for such conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward such transcript when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within thirty days after the judgment was entered.</p> <p>(3) If, upon examination of the transcript of the judgment of conviction, the commissioner shall determine that the person was convicted as described in subdivision (1) of this subsection, the commissioner shall make and enter an order revoking such person's license or privilege to operate a motor vehicle in this state for a period of one year, or, in the event the person is a student enrolled in a</p>

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West Virginia Code	Description	County
		<p>secondary school, for a period of one year or until the person's twentieth birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of section two, article five-a, chapter seventeen-c of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. Such request for hearing shall be made within ten days after receipt of a copy of the order of suspension. The sole purpose of this hearing shall be for the person requesting the hearing to present evidence that he or she is not the person named in the notice. In the event the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.</p> <p>(4) For the purposes of this subsection, a person is convicted when such person enters a plea of guilty or is found guilty by a court or jury.</p> <p>(f) (1) It shall be unlawful for any parent(s), guardian(s) or custodian(s) of a person less than eighteen years of age who knows that said person is in violation of subsection (b) of this section, or who has reasonable cause to believe that said person's violation of said subsection is imminent, to fail to immediately report such knowledge or belief to the appropriate school or law-enforcement officials.</p> <p>(2) Any person violating this subsection shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars, or shall be confined in jail not more than one year, or both.</p>

School Responsibilities:

West Virginia Code	Requirement
§18-5A-2	<p>Each local school improvement council (LSIC) annually shall develop and deliver a school climate report to the county superintendent and the countywide council on productive and safe schools (can we designate a new group?). The report shall include but not be limited to:</p> <ol style="list-style-type: none"> 1. guidelines for the instruction and rehabilitation of students who have been excluded from the classroom, suspended or expelled from the school; 2. the description and recommendation of in-school suspension programs, possible alternative settings, schedules for instruction and alternative education programs with an implementation schedule for such guidelines including: <ol style="list-style-type: none"> a. a system to provide for effective communication and coordination between school and local emergency services agencies; b. a preventive discipline program; and c. a student involvement program; 3. the LSIC findings regarding an examination of disciplinary measures at the school and the fairness and consistency of disciplinary actions; and 4. all reports and communications made regarding W.Va Code §18-5A-2 shall comply with any applicable provision of state, federal or county board policy, rule or law, as appropriate, regarding student privacy rights.

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<p>§18-9F-1 & §18-9F-9</p>	<p>Each school shall create a comprehensive crisis response plan with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. The crisis response plans must be developed under the following requirements:</p> <ol style="list-style-type: none"> 1. each school within the state shall form a crisis response planning team consisting of the principal, two teachers, one service person and two parents of children attending the school. The crisis response planning team may include one member of the county board, a school counselor, a member from local law-enforcement authorities, the local county emergency services director and one student in grade ten or higher if the school has those grades; 2. each school within the state, through the school's crisis response planning team, shall develop a school specific crisis response plan using the state/county template and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school's crisis response planning team determines should be consulted; 3. each school's specific crisis response plan shall be in place and filed with that school's county board and included in a secure electronic system identified by the Division of Homeland Security and Emergency Management no later than August 1, 2013, or soon after completion by the school, whichever occurs first; 4. each school's crisis response planning team shall annually review its crisis response plan and shall update the plan according to procedures developed by the state no later than August 1 of each year after 2013; 5. each school shall make a redacted copy of its school crisis response plan available, upon request, for inspection by the public with any information removed that is necessary for compliance with the necessary safeguards developed by the state. Starting with the 2012-2013 school year, each school shall annually send notice home to all parents and guardians of students at the school alerting the parents and guardians to the existence of the crisis response plan and the ability to review a redacted copy at the offices of the county board; 6. each school crisis plan shall include at least the following: <ul style="list-style-type: none"> • the school employee in charge during a crisis and a designated substitute; • a communication plan to be used during a crisis; • protocols for responding to immediate physical harm of students, faculty or staff and to traumatic events, including the period after the events have concluded; • disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions or other events or conditions in which death or serious injury is likely; • crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and • policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.

Appendix ??

Appendix B or C

CONGRUENCE WITH OTHER LAWS AND POLICIES

See checklist for all of the policies that need to be references. The following is just a placeholder from the existing policy to remind us of what is already covered. We need to add more and change formatting ...

§126-99-6. Attendance Policy.

6.1. The West Virginia Board of Education emphasizes the value of regular attendance in enabling students to benefit from the school's education programs. W.Va. §126CSR81, West Virginia Board of Education Policy 4110, Attendance, places responsibility on students to attend school on a daily basis, and on each parent or guardian to send his/her child(ren) to school on a daily basis.

6.2. Recognizing that frequent absences and tardiness, for any reason, are certain to adversely affect the student's schoolwork, each county school system will implement an attendance policy that includes the policy components outlined in W.Va. §126CSR81, West Virginia Board of Education Policy 4110, Attendance, in order to communicate the expectation that students will be in school every day except when illness, injury, or some providential condition beyond the student's control prevents attendance.

18A-5-1(d) The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time or alternative class settings.

Discipline violations relationship to Driver Eligibility Certificate.

6.3. Absences resulting from the mandatory suspension/expulsion of a student due to a violation of West Virginia Code §18A-5-1a (battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug) shall not be calculated in the school's/county's attendance rate.

From the Student Rights and Responsibilities -- Driving a car is a privilege. You will lose your driver's license if you drop out of school and are under the age of eighteen (18). You will also lose your license if you have more than ten (10) consecutive days of unexcused absences or fifteen (15) unexcused absences during a year.⁵⁶

Parent responsibility and liability for students attending school???

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126-23-4. Definitions.

- 4.1. Alcohol means any substance containing an intoxicating element.
- 4.2. Distribution means the sale, giving, transfer, delivery, trade or exchange in any manner of any ATOD.
- 4.4. Drug means any substance that acts on the central nervous system to alter behavior(s) and/or thought processes.
- 4.5. Illegal substance means any drug which is not legally obtained and/or any drug being used by a person other than the person for whom it was prescribed and/or for a purpose contrary to which the drug was intended for medical therapy and/or against the recommendation(s) of the manufacturer.
- 4.6. Paraphernalia means drug paraphernalia as defined by W. Va. Code 47-19-3 and any item, thing or device used for the facilitation or administration of tobacco products or other illegal substances.
- 4.7. Possession means the presence of ATOD or paraphernalia, in any amount, on the person or body, or under the general direction or control, of an individual found in or upon the premises described in Section 3.1. Possession shall include, but is not limited to, presence of ATOD or paraphernalia in a school locker or backpack or in or on any other item owned or under the general direction or control of any individual found in or upon the premises described in Section 3.1.
- 4.8. Public means any individual accessing school property or programs for business, activities, conferences, visitation or other activities as defined in Section 3.1.

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- 4.9. School means any building, ground(s) or other property including automobiles or other vehicles owned or operated by the county board of education, RESA, West Virginia Department of Education or West Virginia Board of Education.
- 4.10. School staff means those individuals employed full time, part time or on contract with any county board of education, RESA, West Virginia Department of Education or West Virginia Board of Education.
- 4.11. Student means anyone who is enrolled in public school or enrolled in an educational program on board of education property.
- 4.12. Tobacco product means any items containing the leaves of cultivated tobacco plants, in any form or amount, dried and processed. Products include, but are not limited to cigarettes, cigars, snuff, spit tobacco, smokeless tobacco or pipe tobacco.
- 4.13. Use means ingestion, injection, absorption or inhalation of an illegal substance or being under the influence of said substance.