

WOOD COUNTY BOARD OF EDUCATION	Last Reviewed: June 26, 2012
Policy 2500 – Expected Behavior in Safe and Supportive Schools	Next Review: June 26, 2014

1.0 Purpose

1.1 The Wood County Board of Education has the constitutional responsibility to provide for a thorough and efficient public education system. As the County'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.

1.2 The Wood County Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. The Wood County Board of Education further believes that public schools should undertake proactive, preventive approaches to ensure a positive school/climate culture 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/culture 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.

1.3 These regulations also set forth unacceptable behaviors that undermine a school's efforts to create a positive school climate/culture. These unacceptable behaviors are prohibited on all school property and school sponsored events. Wood County's public schools must respond quickly 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.

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2.0 Application.

2.1 . The expectations outlined in these regulations apply in public schools in Wood County 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 Wood County Board of Education. These expectations apply to students, staff and public guests respectively as noted within the policy. The consequences of violating these expectations are as follows:

2.2 Students will be subject to the interventions and consequences outlined in this policy.

2.3. School staff 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.

2.4 Public guests in public schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.

2.5. 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.

3.0 Severability.

3.1 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.

4.0 Student Rights and Responsibilities

4.1 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 follow school rules and regulations and to cooperate with school authorities who enforce these rules and regulations.

4.2 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 seventeenth 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.

4.3 Whatever school supplies are deemed necessary to accomplish the goals of a school system and are an integral and fundamental part of elementary and secondary education must be provided free of charge to all students, such as textbooks, paper, writing implements and computers if their use is part of the curriculum. Students may be required to purchase their own equipment, such as instruments and costumes, for performance-based classes, such as band, orchestra, choir, dance and theatre. However, students shall not be denied participation in a class because their parents/guardians cannot afford to do so. Schools have contingency plans to accommodate students and families who do not have the financial means to make these purchases.

4.4 Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, provided this activity does not materially and substantially disrupt the work and discipline of the school or impinge upon the rights of other students. Schools may limit vulgar or offensive speech inconsistent with the school's responsibility for teaching students the boundaries of socially appropriate behavior. Students' off campus conduct that might reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or staff member.

School sponsored student publications that are a part of the curriculum are subject to teacher editorial, control and therefore student speech may be regulated in a manner reasonably related to educational purposes.

4.5 Federal and state constitutions and statutes provide protection for all citizens from unreasonable searches and seizures. Although school personnel have more latitude than police officers in this regard, because they do not need search warrants, search and seizures of lockers or students by school officials must still be reasonable, based upon the information known by them at the time of the 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.

Students also have a right under federal and state constitutions not to incriminate themselves about a crime when questioned on school grounds by an individual acting in the capacity of a law enforcement official. They are entitled to be informed of their right against self-incrimination if they are in a custodial setting, in other words, they are not at liberty to terminate the interrogation and leave. Students do not have a constitutional right against self-incrimination when being questioned by school officials or PRO Officers acting under the supervision of school officials who are investigating school related misconduct.

5.0 Inappropriate Behavior and Meaningful Interventions and Consequences

5.1 Students shall be held responsible for their conduct and behavior as required by West Virginia Code and West Virginia Board of Education Policy. The Wood County Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a nurturing, orderly, safe, and stimulating educational environment. Wood County Schools must respond immediately and consistently to incidents of harassment, intimidation, bullying, and/or violence, or other inappropriate behaviors in a manner that effectively deters future incidents and affirms respect for individuals. Each school in conjunction with the Board of Education will implement proactive, prevention, and response programs, outline investigatory and reporting procedures, and delineate penalties for inappropriate actions according to this policy.

5.2 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. Wood County Schools, 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.

5.3 This policy classifies inappropriate student behavior in four levels. WV Policy 4373 indicates 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.

5.4 This policy identifies appropriate and meaningful interventions and consequences that include, but are not limited to, examples provided in this policy. It is not a requirement that all schools offer every intervention and consequence listed in this policy. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction.

5.5 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 a recommended consequence or intervention for Level 1 behaviors, however, the determination of interventions and consequences is at the discretion of the school administrator for levels 1, 2 and 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as 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.

5.6 In order to create consistency among all schools in the application of out-of-school 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 out-of-school suspension or expulsion.

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

5.8 Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences

Behaviors	Definitions – Level 1	Interventions and Consequences
LEVEL 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others.		
Cheating	A student will not plagiarize or copy the work of others or break rules to gain advantage in a competitive situation. Interventions for this inappropriate behavior may include academic sanctions in addition to other discipline.	<ul style="list-style-type: none"> • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced. • Counseling referrals and conference to support staff or agencies • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item • Revocation of privileges • Restitution/restoration • Detention (lunch, before and/or after school) • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of
Deceit	A student will not deliberately conceal or misrepresent the truth, deceive another or cause another to be deceived by false or misleading information.	
Disruptive/ Disrespectful Conduct	A student will not exhibit behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.	
Failure to Serve Detention	A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.	
Falsifying Identity	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.	
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 distractive or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that	

Behaviors	Definitions – Level 1	Interventions and Consequences
	displays or promotes behavior and/or items prohibited by this policy.	the school day for the first exclusion, (West Virginia Code §18A-5-1)
Inappropriate Display of Affection	Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.	<ul style="list-style-type: none"> • Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
Inappropriate Language	A student will not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group).	<ul style="list-style-type: none"> • In-school suspension • *West Virginia Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class.
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.	<ul style="list-style-type: none"> • While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days.
Skippping Class*	In accordance with WVBE 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.	<ul style="list-style-type: none"> • Law enforcement notification if warranted.
Tardiness*	A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.	Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.
Vehicle Parking Violation	A student will not engage in improper parking of a motor vehicle on school property.	

Behaviors	Definitions – Level 2	Interventions and Consequences
LEVEL 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.		
Gang Related Activity	<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. Gang activity includes:</p> <ul style="list-style-type: none"> • 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. • 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. • Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. • Recruiting student(s) for gangs. 	<ul style="list-style-type: none"> • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Referral to support staff or agencies for counseling or other therapeutic services • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item • Revocation of privileges • Restitution/restoration • Before and/or after-school detention • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1) • Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006) • In-school suspension • Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 6, Section 2) West Virginia Code §18A-5-1(d) prohibits the use of suspension solely for not attending class. • The principal and/or superintendent

Behaviors	Definitions – Level 2	Interventions and Consequences
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.	<p>may recommend placement in an Alternative Education program as described in Section 5 of this chapter.</p> <ul style="list-style-type: none"> • Expulsion • Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.
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.	
Leaving School Without Permission	A student will not leave the school building, campus of school activity for which the student is enrolled without permission from authorized school personnel.	
Physical Fight Without Injury	A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons.	
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.	
Possession of Knife not meeting Dangerous	A student will not possess a knife or knife-like implement under 3½ inches in length. West Virginia Code §61-7-2 clarifies that a	

Behaviors	Definitions – Level 2	Interventions and Consequences
<p>Weapon Definition (West Virginia Code §61-7-2)</p>	<p>pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.</p>	
<p>Profane Language/ Obscene Gesture/ Indecent Act Toward... An Employee or A Student</p>	<p>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.</p>	
<p>Technology Misuse</p>	<p>A student will not violate the terms of WVBE Policy 2460, Safety and Acceptable Use of the Internet by Students and Educators.</p>	

Behaviors	Definitions – Level 3	Interventions and Consequences
LEVEL 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with W. Va. Code §18A-5-1a, subsections (b) through (h)		
Battery Against a Student	A student will not unlawfully and intentionally injure another student.	Level 3 behaviors are criminal
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.	offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer or actual arrest.
False Fire Alarm	A student will not knowingly and willingly set off a fire alarm without cause.	In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to: <ul style="list-style-type: none"> • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Referral to support staff or agencies for counseling or other therapeutic services
Fraud/Forgery	A student will not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities.	
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.	
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	

Behaviors	Definitions – Level 3	Interventions and Consequences
	in, any activity or organization, including both co-curricular and extra-curricular activities.	<ul style="list-style-type: none"> • Notification of appropriate Health and Human Resources • Daily/weekly progress reports
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.	<ul style="list-style-type: none"> • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item(s)
Larceny	A student will not, without permission, take another person's property or have another person's property in his or her possession. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with West Virginia Code §61-3-13 .	<ul style="list-style-type: none"> • Revocation of privileges • Restitution/restoration • Before and/or after-school detention • Denial of participation in class and/or school activities
Sexual Misconduct	A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event.	<ul style="list-style-type: none"> • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1)
Threat of Injury/Assault Against... An Employee A Student	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].	<ul style="list-style-type: none"> • Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
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.	<ul style="list-style-type: none"> • In-school suspension • Out-of-school suspension for up to ten (10) days (See guidelines in Chapter 6, Section 2) • The principal and/or superintendent may

Behaviors	Definitions – Level 3	Interventions and Consequences
		<p>recommend placement in an Alternative Education program as described in Section 5 of this chapter.</p> <ul style="list-style-type: none"> • Expulsion

Behaviors	Definitions – Level 3	Interventions and Consequences
Harassment/ Bullying/ Intimidation	<p>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 electronic, written, verbal or physical act, communication, transmission or threat that:</p> <ul style="list-style-type: none"> • A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student’s property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property; • Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or • Disrupts or interferes with the orderly operation of the school. <p>An electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.</p> <p>Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/ sensory disability; or other characteristic.</p>	<p>Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school sponsored functions, notification of law enforcement and/or human services.</p>

Behaviors	Definitions – Level 3	Interventions and Consequences
	<p><u>Sexual harassment</u> consists of 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>Amorous relationships between county board employees and students are prohibited.</p> <p>Sexual harassment may include but is not limited to:</p> <ul style="list-style-type: none"> • verbal harassment of a sexual nature or abuse; • pressure for sexual activity; • inappropriate or unwelcome patting, pinching or physical contact; • sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status; • behavior, verbal or written words or symbols directed at an individual because of gender; or • 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/culture or opportunities. 	

Behaviors	Definitions – Level 3	Interventions and Consequences
	<p><u>Racial harassment</u> 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. <p><u>Religious/ethnic harassment</u> 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. <p><u>Sexual violence</u> 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 	

Behaviors	Definitions – Level 3	Interventions and Consequences
	<ul style="list-style-type: none"> • 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. <p><u>Racial violence</u> is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.</p> <p><u>Religious/ethnic</u> violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.</p>	
Imitation Drugs: Possession, Use, Distribution or Sale	A student will not possess, use, distribute or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance.	The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety
Inhalant Abuse	A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of “getting high”.	

Behaviors	Definitions – Level 3	Interventions and Consequences
	The action may be referred to as huffing, sniffing, dusting and/or bagging.	concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.
Possession/Use of Substance Containing Tobacco and/or Nicotine	<p>A student will not unlawfully possess, use or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county school district.</p> <p><u>Special considerations</u> according to West Virginia Code §16-9A-4.</p> <ul style="list-style-type: none"> • No person (student, staff member or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events. • Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students. • An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events. 	

Behaviors	Definitions – Level 4
<p>LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in West Virginia Code §18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with West Virginia Code §§61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994. These laws require that the principal, superintendent and county board address Level 4 behaviors in a specific manner as outlined in West Virginia Code §18A-5-1a and paraphrased in Chapter 3, Sections 4 and 5 of this manual.</p>	

Behaviors	Definitions – Level 4
Battery Against a 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) .
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) and grand larceny (West Virginia Code §61-3-13).
Illegal Substance Related Behaviors	A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code §60A-1-101, et seq. or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WVBE Policy 2422.8 - Medication Administration and instances of prescription drug abuse.
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, on school property 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, knife-like implement, switchblade knife, nunchaku, 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.</p>

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

As required by [20USC7912 Title IX, Part E, Section 9532](#) (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 August 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 as defined in West Virginia Code [§61-2-15](#).
- Commission of an act that would constitute a felony under the laws of the state on the premises of an educational facility, at a school sponsored function or on a school bus.
- Possession of a firearm or deadly weapon as defined in West Virginia Code [§61-7-2](#) on the premises of an educational facility, at a school sponsored function or on a school bus.
- 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; and
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.

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

5.10 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 and/or independent contractor may use restraint 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. Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
- 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.

School employees and/or independent contractors who, as determined by the principal, 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 if the principal determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur;
- 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.

5.11 Collaboration with Law Enforcement

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 school officials, teachers, and students to cooperate with the police and each other to ensure that the rights of all involved persons are respected.

Prevention Resource Officers (PRO): PRO Officers are certified police officers, working as fulltime officers who have been assigned to work fulltime within a public school during the school year. The PRO Officer's duties, salary and other conditions should be determined through an agreement with the county board of education and the PRO Officer's authorized police department. The principal is the PRO Officer's immediate supervisor while the officer is present in the school. There may be a time when, during the course a PRO Officer's duties, the officer's position as a law enforcement officer would take precedence.

Police Conducting an Investigation in the School: During a criminal investigation, if a student is to be questioned by the police, or by school officials in the presence of the police, the school administration should cooperate with the police and help to ensure that the privacy of the student is protected. The police officer is responsible to ensure that the student's constitutional rights are not violated. The police officer is responsible for determining if the student's parents or guardian, or lawyer should be contacted prior to questioning. [West Virginia Code §49-5-2](#) specifies that statements made by a student under the age of fourteen, while being questioned by law enforcement officials, cannot be used in a court proceeding unless his or her lawyer is present; such statements made by students who are fourteen or fifteen years old cannot be used in a court proceeding unless their lawyer is

present or a parent is present and the parent has been informed of the student's rights. The police officer shall determine when the use of restraints is necessary during such questioning to control an unruly student to prevent the student from harming him/herself or others.

6.0 Planning for Policy Implementation

6.1 School climate/culture refers to the quality and character of school life and its responsibilities to student success and growth. School climate/culture 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/culture fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. This climate/culture 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.

6.2 Wood County Board of Education Responsibilities (see 6.3-6.5)

6.3 Policy Dissemination and Training: To ensure understanding of the county policy for Expected Behaviors in Safe and Supportive Schools, the Wood County Board of Education shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

- Wood County Board of Education shall ensure that all schools provide appropriate policy training.
- Wood County Board of Education shall review its policy at least bi-annually for compliance with federal and state law and WVBE policy.
- Wood County Board of Education policy shall be made readily available to the public in written or electronic format.

6.4 Implementation Plan: Wood County Board of Education shall address within the Student Support Goal of their strategic plan with objectives for policy implementation that ensures each school incorporates the following:

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

6.5 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/culture survey tools (as available);
- impact data related to school climate/culture improvement strategies within county and school strategic plans; and
- impact data from training and staff development offered by the county, RESA and/or WVDE.

6.6 West Virginia Code Requirements for County Boards of Education:

WV Code	County Board of Education Requirements
<u>§18-2C-1 et seq.</u> Prohibiting harassment, intimidation or bullying	<ul style="list-style-type: none"> • Establish a policy prohibiting harassment, intimidation or bullying using a process that includes representation of parents or guardians, school employees, school volunteers, students and community members. • Include the following minimum policy components: <ul style="list-style-type: none"> • Effective on school property, school bus, school bus stop and school sponsored events; • Defined with all components of the definition set forth in <u>§18-2C-3</u> and Chapter 4, Section 2, Level 3 of this policy; • Procedures for reporting incidents; • Requirement that school personnel report incidents of which they are aware; • Requirement that parents/guardians of any student involved in an incident be notified; • Procedures for responding to and investigating reported incidents; • Strategies for protecting a victim from additional harassment, intimidation or bullying and from retaliation following a report; • Discipline procedures for any student guilty of harassment, intimidation or bullying;

WV Code	County Board of Education Requirements
	<ul style="list-style-type: none"> • Procedures to ensure confidentiality of any information relating to a reported incident; and • Requirement that each incident be reported within the WVEIS. • Adopt the policy and submit a copy to the state superintendent of schools by December 1, 2011. • Post notice of the county policy in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school. • Incorporated into each school's current employee training program Information regarding the county board policy prohibiting harassment, intimidation or bullying. • Provide training, to the extent state or federal funds are appropriated, on the harassment, intimidation or bullying policy to school employees and volunteers who have direct contact with students and develop a process for educating students on the same.
§18-5A-2 Local School Improvement Councils (LSIC)	<ul style="list-style-type: none"> • The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes: <ul style="list-style-type: none"> • Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies. • Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions. • The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report • The county board shall retain and file all such correspondence for public review.
§18-9F-1 et seq. School Access Safety Act	<p>Each county board seeking funds for school access safety projects during a fiscal year shall submit to the School Building Authority (SBA) a school access safety plan or annual plan update that addresses the school access safety needs of each school facility in the county. The safety plan shall include at least the following:</p> <ul style="list-style-type: none"> • A prescribed 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;

WV Code	County Board of Education Requirements
	<ul style="list-style-type: none"> • The recommendations and guidelines developed by the Countywide Council on Productive and Safe Schools together with the county board's assessment of the recommendations and guidelines; • Recommendations for effective communication and coordination between school facilities, local law-enforcement agencies and local emergency services agencies in the county; • An assessment of the current status of crime committed on school campuses and at school-related functions; • A projected school access safety repair and renovation schedule for all school facilities in the county; • A prioritized list of all projects contained in the plan, including the projected cost of each project; • A description of how the plan addresses the school access safety goals and guidelines established by the SBA and how each project furthers the county board's safety plan, facilities plan and school major improvement plan; • Notation of the funds available for allocation and disbursement to the county board from the School Access Safety Fund ; • 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; and • Any other element considered appropriate by the SBA or required by other regulations.
<p><u>§18-9F-9</u></p> <p>Crisis response plan</p>	<p>The state board in conjunction with the Division of Homeland Security and Emergency Management shall promulgate by December 31, 2011, a legislative rule for the establishment of an up-to-date, school specific crisis response plan at every school in the state. The specific requirements of the crisis response plan fall primarily with the WVBE and each school; however, county boards are required to:</p> <ul style="list-style-type: none"> • Keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan; • Make available to the public, upon request, a redacted copy of a school crisis response plan with any information removed that is necessary for compliance with the necessary safeguards. <p>The county board should support schools in the development and updating of school crisis response plans by providing the following guidance and support:</p> <ul style="list-style-type: none"> • Standardized procedures, developed in collaboration with local emergency agencies and service providers, that can be used in

WV Code	County Board of Education Requirements
	<p>each school crisis plan as appropriate when one agency or service provider serves all schools within the county;</p> <ul style="list-style-type: none"> • Standardized lists of existing county board policies that support the requirements of the school crisis response plan; • Standardized local procedures for document safeguards and technical support to schools regarding the appropriate filing of the school crisis response plan; • Standardize procedures for the annual review/update of each school crisis response plan. • Resources for training school personnel on school specific crisis response plans.
<p><u>§18A-5-1</u> Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished</p>	<ul style="list-style-type: none"> • The county board shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct disruptive student behaviors so disruptive students can return to a regular classroom without engaging in further disruptive behavior. • Corporal punishment of any student by a school employee is prohibited. • The county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with state laws to govern disciplinary actions. These policies shall encourage the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline. • The county board shall provide for the implementation of a preventive discipline program including student involvement. • The county board shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. • The county board 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.
<p><u>§18A-5-1a</u> Safe Schools Possessing deadly weapons...; possessing a controlled substance...; assaults and</p>	<ul style="list-style-type: none"> • When a principal has notified the county superintendent of a student's suspension for battery upon a school employee, possession of a deadly weapon or sale of a narcotic drug listed in the Uniform Controlled Substances Act, W. Va. Code § 60A-1-101(p), on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal shall recommend the student's expulsion to the superintendent. The superintendent, in turn, shall recommend to the county board that the student be expelled.

WV Code	County Board of Education Requirements
batteries... upon teachers or other school personnel; ... sale of narcotic; expulsion; exception; alternative education	<ul style="list-style-type: none"> • When a principal has notified the county superintendent of a student's suspension for any other conduct listed in W.Va. Code §18A-5-1a, on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal may recommend the student's expulsion to the superintendent. The superintendent, in turn, may recommend to the county board that the student be expelled. • Upon such recommendation by the county superintendent, the county board shall conduct a hearing in accordance with this section of state code 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 act as prescribed for each respective Safe Schools violation delineated in Chapter 4, Section 2, Level 4. • The county board shall issue written notice which states the charges and the recommended disposition to be served upon the student and his or her parent(s), guardian(s) or custodian(s). The notice shall include: <ul style="list-style-type: none"> • The date and time at which the hearing shall be held (within ten days of the beginning of the suspension); • If the county board will attempt to establish the student as a dangerous student, the notice must state this intention and include any evidence which will be used to assert this claim. • The county board shall hold the scheduled hearing to determine if the student should be reinstated or expelled from school and if to determine if the student is a dangerous student pursuant to subsection (g) of this section. • At any hearing before a county board, the student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross-examine witnesses supporting the charge against him or her. • The hearing shall be recorded by mechanical means unless recorded by a certified court reporter. • The hearing may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing. • At the conclusion of the hearing the county board shall either: (1) order the student reinstated immediately at the end of his or her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of the county. • A county board that did not intend prior to a hearing to assert a dangerous student claim, that did not notify the student prior to the

WV Code	County Board of Education Requirements
	<p>hearing that a dangerous student determination would be considered and that determines through the course of the hearing that the student may be a dangerous student shall schedule a second hearing within ten days to decide the issue. The hearing may be postponed for good cause shown by the student, but he or she remains under suspension until after the hearing.</p> <ul style="list-style-type: none"> • A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, a hearing for the purpose of reexamining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education. • If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period. • The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents in a proceeding related to a recommended student expulsion or dangerous student determination. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both. • Any hearing may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs. • County boards must report the number of students determined to be dangerous students to the State Board of Education. The state board will compile the county boards' statistics and shall report its findings to the Legislative Oversight Commission on Education Accountability. • Students may be expelled pursuant to the provisions of this code section for a period not to exceed one school year, except that if a student is determined to have violated the provisions of §18A-5-1a(a) (battery on a school employee, possession of deadly weapons, or sale of a narcotic drug on a school bus, on the school premises or at a school-sponsored function, the student shall be expelled for a period of not less than twelve consecutive months. • The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case warrant. Upon the reduction of the period of expulsion, the county superintendent shall prepare a

WV Code	County Board of Education Requirements
	<p>written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the county board, the principal, the faculty senate and the local school improvement council. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:</p> <ul style="list-style-type: none"> • The extent of the student's malicious intent; • The outcome of the student's misconduct; • The student's past behavior history; and • The likelihood of the student's repeated misconduct. • In all hearings under this section, facts shall be found by a preponderance of the evidence. • All actions taken with regard to this section of law must be in compliance with the federal provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq. • Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in WVEIS.
§61-7-11a Possessing deadly weapons on premises of educational facilities...	<p>It is unlawful for any person to possess any firearm or any other deadly weapon on any school bus or in/on any public or private primary or secondary education building, structure, facility or grounds including any vocational education building, structure, facility or grounds or at any school-sponsored function.</p> <p>County boards may authorize a possession of deadly weapons on school property for:</p> <ul style="list-style-type: none"> • programs with valid educational purposes; • school fundraising programs which include the display of unloaded firearms

6.7 Responsibilities of Schools (see 6.8-6.11)

6.8 Policy Dissemination and Training: To ensure understanding of the Wood County policy for Expected 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.

Implementation Plan: Plans for the implementation of county policies for Expected Behaviors in Safe and Supportive Schools should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the county's formal and informal partnership agreements as well as through additional school level partnerships.

6.9 At a minimum, schools shall:

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

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

- Progress toward implementation plan goals and objectives
- Evidence of school climate/culture improvement efforts;
- Required LSIC reports (West Virginia Code [§18-5A-2](#));
- Trend analysis from school climate/culture 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.

6.11 West Virginia Code Requirements for Schools:

WV Code	School Requirements
<p><u>§18-5A-2</u></p> <p>Local School Improvement Councils (LSIC)</p>	<ul style="list-style-type: none"> • The LSIC shall schedule any meeting that involves the issue of student discipline outside the regularly scheduled working hours of any school employee member of the council. • The LSIC Shall conduct a meeting to engage parents, students, school employees and other interested parties in a positive and interactive dialogue regarding effective discipline policies. • The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes: <ul style="list-style-type: none"> • Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies. • Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions. • The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report and the county board shall retain and file all such correspondence for public review.
<p><u>§18-9F-9</u></p> <p>School crisis response plan</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> <ul style="list-style-type: none"> • 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;

	<ul style="list-style-type: none"> • 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; • 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; • 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; • 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 2013-2014 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; • 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.
<u>§18A-5-1</u> Authority of	<ul style="list-style-type: none"> • The teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has

<p>teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished</p>	<ul style="list-style-type: none"> • control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school. • Subject to WVBE Policy 2423 – Communicable Disease Control, the school administrator or school nurse shall exclude from the school any student known to have or suspected of having any infectious disease, or any student who has been exposed to any infectious disease. • The teacher or bus driver may exclude from his or her classroom or school bus any student who is guilty of inappropriate behavior as outlined in Chapter 4, Section 2, Levels 1, 2, 3 or 4. • Any student excluded shall be placed under the control of the principal of the school or a designee. • The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. • If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). • When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. • If the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. • 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. • Corporal punishment of any student by a school employee is prohibited.
<p>§18A-5-1a</p>	<ul style="list-style-type: none"> • A principal <u>shall suspend</u> a student from school or from transportation to or from the school on any school bus if the

<p>Possessing deadly weapons...; possessing a controlled substance...; assaults and batteries...upon teachers or other school personnel; ... sale of narcotic; expulsion; exception; alternative education</p>	<p>student, in the determination of the principal after an informal hearing, has committed on a school bus, on the premises of an educational facility or at a school-sponsored function: (1) battery on a school employee; (2) possession of a deadly weapon; or (3) sale of a narcotic drug. If a student has been suspended for these reasons, the principal <u>shall</u>, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.</p> <ul style="list-style-type: none"> • A principal <u>shall suspend</u> a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has committed: (1) an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (2) unlawfully possessed on the premises of an educational facility or at a school-sponsored function a controlled substance governed by the uniform controlled substances act. If a student has been suspended for these reasons, the principal <u>may</u> request that the superintendent recommend to the county board that the student be expelled. • A principal <u>may suspend</u> a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has: (1) threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel; (2) willfully disobeyed a teacher; (3) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (4) used profane language directed at a school employee or student; (5) intentionally defaced any school property; (6) participated in any physical altercation with another person while under the authority of school personnel; or (7) habitually violated school rules or policies. If a student has been suspended for these reasons, the principal <u>may</u> request that the superintendent recommend to the county board that the student be expelled. • The actions of any student which may be grounds for his or her suspension or expulsion shall be reported immediately to the principal. If the principal determines that the alleged actions of the student would be grounds for an out-of-school suspension, he or she shall conduct an informal hearing for the student immediately after the alleged actions have occurred. The hearing shall be held before the student is suspended unless the principal believes that the student's continued presence poses a continuing danger to persons or property or an ongoing threat of disruption, in which case the student shall be suspended immediately and a hearing
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	<p>held as soon as practicable after the suspension.</p> <ul style="list-style-type: none"> • The student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for the out-of-school suspension. • At the informal hearing, the principal shall ask the student to admit to or deny the charges. If the student does not admit the charges, he or she shall be given an explanation of the evidence and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the student to appear, the principal may suspend the student for a maximum of ten school days, inclusive of any time the student was excluded from the school prior to the hearing. • The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the county superintendent and to the faculty senate of the school at the next meeting after the suspension. • Each suspension or expulsion imposed upon a student shall be recorded in WVEIS. The principal shall record all suspensions within twenty-four hours. • Principals may exercise any other authority and perform any other duties to discipline students consistent with state and federal law, including policies of the State Board of Education.
<p><u>§61-7-11a</u> Possessing deadly weapons ...; reports by school principals...</p>	<ul style="list-style-type: none"> • The principal shall report any possession of a deadly weapon discovered by such principal on school premises to the state superintendent of schools within seventy-two hours after such violation occurs. • The principal shall report any possession of a deadly weapon discovered by such principal to the appropriate local office of the division of public safety within seventy-two hours after such violation occurs.

7.0 Procedures for Reporting Complaints of Inappropriate Behavior

7.1 All school employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be address consistently in accordance with the Interventions and Consequences outlined in this policy 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 this policy.

Any person who believes he or she has been the victim of an Inappropriate Behavior as outlined in this policy or any person with knowledge or belief of conduct which may constitute a violation of this policy, should report the alleged acts immediately to an appropriate official as designated by this policy. The Board encourages the reporting party or complainant to use the report form available from the building administrator or available from the Wood County Administration Office. 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.

7.2 A. In Each School Facility. The building administrator is the person responsible for receiving oral or written reports of harassment or violence at the building level. Upon receipt of a report, the administrator must notify the Board's Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given to the building administrator verbally, he/she shall summarize it in written form before the close of the next working day and forward it to the Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the building administrator, the complaint shall be made directly to the Human Rights Officer.

7.2 B. District-Wide. The Board hereby designates its Title IX Coordinator as the Board's Human Rights Officer to receive reports or complaints of harassment or violence from any individual, employee or victim of harassment or violence and also from the building administrator as outlined above. If the complaint involves the Human Rights Officer, the complaint or report shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in paragraph IV of this policy. The name of the Human Rights Officer, including a mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other buildings to which employees of the Board are assigned to work.

C. Submission of a complaint or report of harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report.

D. Use of formal reporting forms is not mandatory.

E. Under certain circumstances, some forms of bullying, harassment, or intimidation may arise to the level of child and/or sexual abuse as defined in Chapter 49 of the West Virginia Code. In such situations, all staff members shall comply with the provisions of law for reporting such abuse.

The Wood County school district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of harassment and violence and take disciplinary action when the conduct has occurred.

7.3 Procedures for Investigating Allegations of Inappropriate Behavior

By authority of the Board of Education, the Human Rights Officer, will receive the report or complaint and 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 3 or 4 inappropriate behavior, a reasonable effort shall be made to contact the student's parent, custodian or guardian and invite them to be present during such interview, at the discretion of the principal or designee.

7.4 The principal shall (if principal is the investigator):

Determine whether the alleged conduct constitutes a violation of this policy.

- 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.
- Assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

7.5 Upon completion of the investigation:

- A report shall be provided by the principal or other investigator 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 and/or school level. The Wood County school district will take such action as appropriate based on the results of the investigation.
- 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 County Superintendent and/or Human Rights Officer or the principal or his/her designee.

7.6 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.

7.7 Procedures to Prevent Reprisal

The Wood County School District will discipline 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 Wood County School District will take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.

8.0 Interventions and Consequences of Inappropriate Behavior

8.1 It is the intent of Wood County Schools to be 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.

8.2 Guidelines for Specific Responses to Inappropriate Behavior

8.3 Exclusion: According to West Virginia Code [§18A-5-1](#), a teacher or bus driver may exclude from a classroom or bus any student who displays one or more of the inappropriate behaviors outlined in Chapter 4, Section 2, Levels 1, 2, 3 or 4. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

Bus drivers must follow the guidelines outlined in WVBE Policy [4336 – West Virginia School Bus Transportation Policy and Procedures Manual](#). When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent/guardian. All students shall be transported until the parent/guardian has been properly notified of the exclusion.

The principal/designee shall notify the parent/guardian when their child may resume riding the bus. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

8.4 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.

Suspension typically takes one of two forms:

- In-School Suspension: Instances in which a student is temporarily removed from his/her classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel and continues to receive instructional support. Direct supervision means school personnel are physically in the same location as students under their supervision. Settings may include other locations within the school building or removal to another school, such as an alternative school, provided the student remains in direct supervision of school personnel.
- Out-of-School Suspension: Instances in which a student is temporarily removed from his/her school for disciplinary purposes to another setting pursuant to [W. Va. Code §18A-5-1a](#) (e.g., home, community setting). This includes both removals in which no IEP services are provided because the removal is 10 days or less as well as removals in which the student continues to receive services according to his/her IEP. The student is not under direct supervision of school personnel as defined under in-school suspension.

A student is entitled to an informal hearing when faced with an out-of-school 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 safety 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 out-of-school 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 or designee must be notified 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 is not permitted on school grounds during the period of suspension.
- d. A student may not be suspended from school solely for not attending class.

An out-of-school 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.

8.5 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](#) requires mandatory out-of-school 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 weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion 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. If the board of education decides that the charges against a student do not warrant his or her expulsion from school, the student may remain in school or return to school without being subjected to punishment or harassment.
- h. In all expulsion hearings, fact shall be found by a preponderance of the evidence.
- i. 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, 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.

8.6 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 in the county school system unless determined to be a “dangerous student” under the procedures set forth in [West Virginia Code §18A-5-1a.](#) Superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students ([Superintendent’s Interpretation of January 26, 2007](#)).

8.7 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 (i.e. students currently engaged in the eligibility process beginning with a Student Assistance Team referral) or students with 504 plans, refer to WVBE Policy [2419 - Regulations for the Education of Students with Exceptionalities](#), Chapter 7 for specific guidelines related to protections which may be warranted for these students.

8.8 Procedures for Reporting Action on Substantiated Incidents

It is essential that schools accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns. The WVEIS provides schools with the platform to report all incidents of inappropriate behavior at the classroom level and above. The primary value of this data rests at the school and county level and is necessary for development and monitoring of Policy 4373 implementation plans. Therefore, all inappropriate behaviors as described in this policy, Levels 1, 2, 3 and 4 shall be reported through:

- Teacher level documentation – shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal. ;
- Principal level WVEIS data entry – shall include all teacher level documentation as well as additional entry for administrative disciplinary actions. This data shall be entered into WVEIS by the principal and/or other authorized staff.
- Superintendent level WVEIS data entry – shall include county board actions resulting from expulsion hearings. This data shall be entered into WVEIS by the superintendent and/or other authorized staff.

Incidents of inappropriate behaviors reported into WVEIS in accordance with this policy will be used by the WVDE to comply with federal and state reporting requirements. In order to assure accuracy of data, all districts shall verify their data monthly.

8.9 Appeals Procedures

If someone believes that a county board of education has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in WVBE Policy [7211 - Appeals Procedure for Citizens](#). However, this policy does not address personal complaints against a school employee. The procedures set forth in Policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

Adopted: June 26, 2012