

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>S. STUDENTS</b></p> <p><b>File: S.8. Expected Behavior in Safe and Supportive Schools</b></p>	<p><b>Adopted: 6-19-2012</b></p> <p><b>Last Reviewed:6-19-2012</b></p>
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State Board of Education *Policy 4373 – Expected Behavior in Safe and Supportive Schools*, requires 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. It is the intent of the Pendleton County Board of Education to work cooperatively with the Central Office Staff and each school staff to create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities.

*SBP 4373 - Behavior in Safe and Supportive Schools* is a far-reaching policy and one that is required reading for all school personnel, especially professional personnel. The complexity of this policy requires that it be reviewed as a whole. Individual sections should not be viewed in isolation without the context of the whole policy. Taking any section to review in isolation may lead to significant misunderstanding.

In the ensuing pages, highlights of certain portions of the policy will be presented, but these highlights should not be misconstrued as the sum total of what school personnel need to know about *SBP 4373*.

**Application**

The expectations outlined in these regulations apply in all Pendleton County public schools during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by the county board of education, Regional Education Service Agency (RESA), WVDE, West Virginia Board of Education or in another facility or upon any other property being used by any of these agencies. These expectations apply to students, staff and public guests respectively as noted within the policy. The consequences of violating these expectations are as follows:

- ❖ Students will be subject to the interventions and consequences outlined in Chapter 4 of the West Virginia Manual for Expected Behavior in Safe and Supportive Schools and in File: *S.8.4. Inappropriate Behavior and Meaningful Interventions and Consequences* of this policy.
- ❖ 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.
- ❖ Public guests in public schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.
- ❖ This policy does not supersede any rights granted to special education students by federal or state law or other West Virginia Board of Education policy.

The framework of policies whereby the Pendleton County Board of Education proposes to carry out the requirements of SBP 4373 may be found in the policies that follow.

**PENDLETON COUNTY BOARD OF EDUCATION**

**S. STUDENTS**

**File: S.8.1. Expected Student Dispositions under SBP 4373**

**Adopted:**

**Last Reviewed:**

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

Schools must consistently and persistently work to improve student knowledge, skills and dispositions that convey our nation’s democratic principles. Dispositions are the values, commitments and ethics that influence one’s behaviors toward others and affect learning, motivation and development.

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.

Dispositions are affected by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice. Ideally, the teaching and learning of these valued dispositions should be the shared responsibility of every school employee, student, parent and community member and these stakeholders should be engaged in supporting the development of these dispositions.

**(SBP 4373)**

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**School and Community Social Skills Standards**

The Pendleton County Schools shall support and promote social and emotional learning in all settings. The social and emotional learning standards are not expected to be documented in individual teacher lesson plans but rather should serve as a framework for school-wide student behavior expectations as determined by each school faculty.

Social and emotional learning is the process through which individuals acquire the knowledge, attitudes and skills they need to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and handle challenging situations constructively. Socially competent students are skilled in three core areas:

- ❖ **Self-awareness and Self-management** – students are able to recognize their emotions, describe their interests and values and accurately assess their strengths. They have a well-grounded sense of self-confidence and hope for the future. They are able to manage stress, control impulses and express their emotions appropriately in a wide range of situations. They can persevere in overcoming obstacles as well as set and monitor progress toward the achievement of personal and academic goals.
- ❖ **Social awareness and Interpersonal Skills** – students are able to take the perspective of and empathize with others and recognize and appreciate individual and group similarities and differences. They are able to seek out and appropriately use family, school and community resources in age-appropriate ways. They can establish and maintain healthy and rewarding relationships based on cooperation. They resist inappropriate social pressure; constructively prevent, manage and resolve interpersonal conflict; and seek and provide help when needed.

- ❖ **Decision-making Skills and Responsible Behaviors** – students consider ethical standards, safety concerns, social norms, respect for others and the likely consequences of various courses of action when making decisions at school, at home and in the community. They apply these decision-making skills in academic and social situations and are motivated to contribute to the well-being of their schools and communities.

In order to achieve these social and emotional learning standards, schools should address student development holistically and relate it to real-world functioning. It is also important to select culturally appropriate materials and examples that respect individual differences while at the same time acknowledging and celebrating the cultural diversity of students within the classroom, school, community, state, nation and world.

The following social and emotional learning standards, objectives and example behaviors shall be the guide for Pendleton County Schools. The example behavior categories are defined as follows:

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

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

Detailed matrixes of social and emotional learning standards, objectives and example behaviors may be found in Chapter 1, Section 2 of *SBP 4373 Electronic Manual*.  
**(SBP 4373)**

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Amended/Revised:

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>S. STUDENTS</b></p> <p><b>File: S.8.2. Pendleton County Expected Behaviors Policy Implementation</b></p>	<p><b>Adopted:</b></p> <p><b>Last Reviewed:</b></p>
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The planning for and implementation of the policies necessary to achieve the type of school climate demanded by *SBP 4373 – Expected Behavior in Safe and Supportive Schools* must be a shared responsibility between the Board and the constituents it serves.

The School and Community Social Skills Standards outlined in *File: S.8.1. Expected Student Dispositions under SBP 4373* are student focused and articulate the dispositions that students in West Virginia public schools are expected to develop throughout their school career. The Pendleton County Board of Education, students, families and communities have a collective responsibility for creating the opportunity for students to master the *School and Community Social Skills Standards*. All of these entities in Pendleton County must work collaboratively to plan, implement and evaluate a systemic approach to shaping the valued dispositions that students must have as they develop into active, respectful and responsible citizens. The process must include schools, families and communities in the effort to teach our children, support and acknowledge valued dispositions and provide appropriate and meaningful interventions for inappropriate behavior.

Strong partnerships between homes, schools and communities are needed and are fundamental to ensuring a quality education for all children. By fostering a sense of cooperative responsibility, parents, teachers and community members, can reinforce one another’s efforts.

- ❖ Parents, as their children’s first and most enduring teachers, can complement their children’s school learning and behavior by serving as collaborators in the educational process.
- ❖ Community involvement, including strong business partnerships, promotes a safe and supportive school climate/culture that connects students to a broader learning community.
- ❖ Parent, family and community involvement at early childhood, middle and adolescent levels is absolutely fundamental to an effective system of public education

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

School climate refers to the quality and character of school life and its responsibilities to student success and growth. The Pendleton County Board of Education believes that the school climate is based on patterns of people’s experience of school life and reflects norms, goals, values, interpersonal relationships, teaching, learning, leadership practices, and organizational structures.

A sustainable, positive school climate fosters youth development and the learning necessary for a productive, contributing and satisfying life in a democratic society. This climate must include norms, values and expectations that support people feeling socially, emotionally, intellectually and physically safe. The Pendleton County Board of Education shall strive to provide a school climate in which:

- ❖ 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.  
(SBP 4373)

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### **(P) S.8.2.1. Responsibilities of the State Board of Education**

**Policy Development:** The WVDE shall review *Policy 4373 Expected Behaviors in Safe and Supportive Schools* at least bi-annually, with appropriate stakeholders, and advise the WVBE of needed revisions based on emerging federal and state law as well as research and best practice related to school climate/culture and student behavior. The Department shall also develop model policy and procedure documents to support the policy development requirements of county boards of education

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

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

**Evaluation of Effectiveness:** The WVDE shall prepare an annual report to the WVBE to include:

- ❖ evidence of school climate/culture improvement efforts within county and school strategic plans;
- ❖ reported incidents of inappropriate behavior;
- ❖ training and staff development offered by the WVDE and RESAs;
- ❖ trend analysis from school climate/culture survey tools (as available); and
- ❖ a report analyzing cost implications of providing comprehensive school-based intervention programs.  
(SBP 4373)

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### **(P) S.8.2.2. Responsibilities of Regional Education Service Agency**

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

**Training and Technical Assistance:** Provided that resources and funding are available, RESAs may provide training and technical assistance to school systems and schools in:

- ❖ Implementing research-based, effective models for developing and supporting a positive school climate/culture (including but not limited to positive behavior programs, character education, peer mediation, conflict resolution, prevention of bullying, harassment, intimidation, crisis planning and substance abuse);
- ❖ Addressing school climate/culture improvement within the school improvement planning process;
- ❖ Collection and reporting of incident data via the WVEIS; and
- ❖ Developing interventions to promote school success for all students.  
(SBP 4373)

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### **(P) S.8.2.3. Responsibilities of the Pendleton County Board of Education**

#### **Policy Development**

Pursuant to *SBP 4373*, the Pendleton County Board of Education shall write and implement policies and procedures for implementing *SBP 4373*. Approved county policies shall be submitted to the State Superintendent of Schools by July 1, 2012 and resubmitted thereafter upon approval of any revision. Pendleton County policies shall address and adhere to all applicable federal and state laws cited within this policy. These policies and procedures shall include guidelines for school level implementation.

The Board's policies shall also include safeguards to protect the safe and supportive environment of the school. These safeguards shall include but are not limited to:

- ❖ The responsibility of school administration to implement provisions of this policy with specific regard to education, communication and enforcement provisions;
- ❖ Clear procedures for identification, intervention and referral of students with behavioral and substance abuse issues;
- ❖ Assurance that no school or board of education property or school or county publication may be used for the advertisement of any tobacco or alcohol product. In accordance with *WVBE Policy 4321.1 - Standards for School Nutrition*, the Board shall take steps to minimize marketing other foods and beverages in the high school setting by locating their distribution in low student traffic areas and by ensuring that the exterior of vending machines does not depict commercial logos of products or suggest that the consumption of vended items conveys a health or social benefit.
- ❖ Assurance that groups using school facilities shall sign agreements with the county board of education agreeing to comply with the environmental safeguards set forth in this policy; and
- ❖ Assurance that students, parents and spectators will be informed by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session.

#### **Partnership Development**

The Pendleton County Board of Education, working cooperatively with its schools, may establish partnerships with local businesses, industry, service groups and other community groups with the purpose of providing the county's schools with additional support systems and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal.

The Pendleton County Board of Education may exercise its discretionary powers to enter into **formal** partnerships with community service agencies (i.e. law enforcement, behavioral healthcare providers) as appropriate to successfully implement the provisions of this policy. Specific attention shall be given to the development of formal agreements and protocols that ensure coordination between agencies and high quality service delivery to students and their families. Memoranda of understanding and/or contracts shall be written whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements shall clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e. funding, space, staff, and data).

The Board may also enter into short or long-term **informal** partnerships which may or may not require written agreements. These partnerships usually involve collaborative groups that form around common mission and goals (i.e., anti-drug coalitions, tobacco control coalitions) to coordinate events, initiatives, resource development/dissemination, service delivery, local partnership development and/or professional development.

In all cases, whether the partnerships are short or long-term or whether they are formal or informal; they must be presented to the Superintendent or his/her designee for review and approval. Following this approval, partnership proposals must be submitted to the Board for review and approval.

## **Policy Dissemination and Training:**

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

- ❖ The Pendleton County Board of Education's policy shall be made readily available to the public in written and/or electronic format.
- ❖ These procedures or a summary of them shall be conspicuously posted throughout each school's facilities and other work stations in areas accessible to students and staff members.
- ❖ These procedures, or a summary of them, shall be distributed to all students, faculty, staff and parents by means of a written memo from the principal's office or they may be included in the student handbook which must be distributed to the above named parties
- ❖ When a student enters elementary, middle/junior high or high school for the first time, the student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the interventions and consequences associated with violations.
- ❖ The Board shall provide training for students and staff on these regulations and on means for effectively promoting the goals of these procedures. Methods of training may include, but are not limited to the following:
  - Inclusion in the county professional and service staff development programs;
  - Utilization of training modules which may be found on the State Board website;
  - Utilization of Faculty Senate and LSIC resources;
  - Peer mediation for students;
  - Character education modules;
  - Conflict resolution; and
  - Utilization of comprehensive guidance programs within the schools.
- ❖ The Board shall review its procedures at least biannually for compliance with state and federal law and West Virginia Board of Education policy.

## **Implementation Plan**

The Student Support Goal of the Pendleton County Board of Education's strategic plan shall contain objectives for the implementation of this policy implementation that ensures each school incorporates, but 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.

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

## **Evaluation of the Effectiveness of this Policy**

The Pendleton 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.  
(SBP 4373)

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**(P) S.8.2.4. Responsibilities of the Individual Schools**

School building administrators and their school staffs must provide leadership for continuous school climate/culture improvement planning and implementation. It is incumbent upon each school to embed the strategies for this improvement within the overall school strategic plan. The school climate/culture improvement process may include, but is not limited to, the following steps:

- ❖ Establish a leadership team (may be an existing team) to manage the design, monitoring and improvement of school climate/culture;
- ❖ Develop school-wide priorities for Safe and Supportive Schools that include:
  - a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents and community;
  - annual analysis of school climate/culture data;
  - 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 and include:
  - programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes;
  - 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;
  - appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships
- ❖ Evaluate school climate/culture improvement processes and revise as needed.
- ❖ Provide leadership for school-wide initiatives to support student development of social and emotional learning standards.
  - Self-awareness and Self-management
  - Social awareness and Interpersonal Skills
  - Decision-making Skills and Responsible Behaviors
- ❖ Assure the protection of Student Rights and Responsibilities.
  - The Right to a Thorough and Efficient Education
  - Student Inquiry and Expression
  - Non-curriculum Related Student Groups
  - Extra-Curricular Activities
  - Privacy
  - Protection from Unreasonable Searches and Seizures and Self-Incrimination
  - Child Abuse Prevention

## **Partnership Development**

In accordance with Pendleton County Board of Education policies and protocols, all schools will establish community agency and organization partnerships that serve to provide the school with additional support systems and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal. In all cases, whether the partnerships are short or long-term or whether they are formal or informal; they must be presented to the Superintendent or his/her designee for review and approval. Following this approval, partnership proposals must be submitted to the Board for review and approval.

## **Policy Dissemination and Training**

To ensure understanding of the 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 or a summary of it 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.
- ❖ When a student enters elementary, middle/junior high or high school for the first time, the student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the interventions and consequences associated with violations.
- ❖ Schools may opt to place this policy on their website and provide written copies for those who do not have access to the website.
- ❖ These procedures or a summary of them shall be conspicuously posted throughout each school's facilities and other work stations in areas accessible to students and staff members.

Each school shall provide training for students and staff on these regulations and on means for effectively promoting the goals of these procedures. Methods of training may include, but are not limited to the following:

- ❖ Utilization of training modules which may be found on the State Board website;
- ❖ Utilization of Faculty Senate and LSIC resources;
- ❖ Peer mediation for students;
- ❖ Character education modules;
- ❖ Conflict resolution;
- ❖ Topic of discussion in Social Studies and health classes; and
- ❖ Utilization of comprehensive guidance programs within the schools.

The Board and each school shall review their procedures at least biannually for compliance with state and federal law and West Virginia Board of Education 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.

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 SBP 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.

### **Evaluation of Effectiveness**

Each 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. **(SBP 4373)**

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Amended/Revised

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>S. STUDENTS</b></p> <p><b>File: S.8. 3. Student Rights and Responsibilities under SBP 4373</b></p>	<p><b>Adopted:</b></p> <p><b>Last Reviewed:</b></p>
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Student rights and responsibilities go hand in hand. Students in West Virginia have basic rights and responsibilities similar to those enjoyed by other citizens. These include the right to the equal protection of the laws and the right to the privileges and immunities of United States citizenship. Enjoyment of these rights is governed by due process of law.

The Board supports the concept of equal educational opportunity for all students as being essential to education in the public schools of the County. Consistent with federal mandates, the Board reaffirms its commitment to provide appropriate educational opportunities to the enrolled student body irrespective of gender, race, color, religion, handicapping condition, or national origin. All course offerings are to be available to both female and male students. Also see: Pendleton County Board Policy, *I.3. Equal Opportunity in Pendleton County Schools.*

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.

The West Virginia State Board of Education has adopted *SBP 4373 – Expected Behavior in Safe and Supportive Schools* which provides the framework for the Pendleton County student personnel policies. This policy is available on line at the West Virginia Department of Education’s web site. / (*SBP 4373 – Expected Behavior in Safe and Supportive Schools*)

**The Right to a Thorough and Efficient Education**

All students, regardless of race, religion, national origin, language, gender, disability, marital status, parenthood, or pregnancy have the right to an equal education opportunity. Students are required by law to attend school regularly until their seventeenth birthday; as long as they continue to be enrolled as a student after their 17<sup>th</sup> birthday; or until their graduation. A student who has not graduated may attend school until they are 21.

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

The Pendleton County Board of Education ~~may~~ shall charge all non-state resident, full-time, day students the actual cost per pupil expenditure for the school year which is payable in advance, including any extra costs associated with summer school and before/after school programs.

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.

### **Student Inquiry and Expression**

**Freedom of Religion:** Schools may not conduct, sponsor or endorse religious activities during school time. Individual students have the right to practice their own religion in a manner that does not interfere with the orderly conduct of classes and may form student groups with a religious focus that meet after school. Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for participation in religious activities. An opportunity must be provided for students to make up any work missed; however, it is the student's responsibility to make up such work pursuant to the rules established by the school or county.

**Freedom of Speech:** Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, 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.

Students have the right not to be compelled to participate in certain types of speech, such as reciting the Pledge of Allegiance. Students who choose not to participate in these ceremonies have the responsibility to respect the rights of those who do participate and must remain respectfully silent.

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.

### **Non-Curricular Related Student Activities**

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

### **Extra-Curricular Activities**

Students must meet all state and local attendance requirements and maintain a 2.0 grade point average in order to participate in non-academic extra-curricular activities (e.g. interscholastic athletics such as football, basketball, track or wrestling; cheerleading; student government; class officers in grades 6-12). Eligibility is determined for each semester by a student's grade point average for the previous semester. Those students participating in a GED program whose grade point average for the last semester before entering into the program was below 2.0 grade point average may become eligible if they achieve a 2.0 average or better the mid-point of the second semester (the nine week point) in the same manner as students enrolled in the regular curriculum as outlined in WVBE Policy 2436.10..

Fees may be required to help support the cost of extra-curricular activities; however, the fees should be kept to a minimum in order to further equal opportunity for participation regardless of

economic status. If fees are to be paid by a student who cannot afford those fees, school officials shall develop options that will allow the student to participate.

### **Student Privacy**

Students have certain privacy rights regarding school records. To ensure this privacy, *WVBE Policy 4350 – Collection, Maintenance and Disclosure of Student Data* provides regulations for schools to follow regarding school records. Parent(s)/guardian(s) of students under 18 of age are entitled by law to inspect and review their child's school records. This right applies to both custodial and non-custodial parents. Students have these same rights if they are 18 years of age or older. A guidance counselor or other school official may be needed to assist in interpreting the information in a student's permanent record file, but their assistance is not required.

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

Except in certain instances, school officials may not release information from a student's records without the consent of a parent or guardian, or student if the student is eighteen years of age or older. For example, confidential medical information cannot be released without the consent of the parents or guardians or eligible students' specific written consent. However, under certain conditions, authorized persons or agencies may receive information without consent. For example, if school officials are served with a valid subpoena for student information, the parents or guardians must be provided notice prior to compliance with the subpoena in order that they may voice any objections in the venue that issued the subpoena.

Directory information may be released without seeking prior consent of the parents or guardians unless they refuse to waive consent at the beginning of each school year after receiving notification by the school of their statutory rights under the law.

Please see *File: S.17. Student Permanent Records: Collection, Maintenance and Disclosure* for a detailed description of the procedures followed by Pendleton County Schools in gathering and maintaining student records.

### **Student Protection from Unreasonable Search and Seizure**

Both the Federal and State Constitutions guarantee protection for all citizens from unreasonable searches and seizures. State and Federal laws regulate searches and seizures by police officers.

Although school personnel 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. Such searches must always be reasonable from their inception and in their scope.

Lockers and desks are the property of the School District. Students have the right to their reasonable use during the school year. However, contraband may not be brought to school or stored in school lockers or desks. School authorities retain the right to conduct reasonable inspections of school lockers and desks at any time.

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.

### **Child Abuse Prevention**

Students have the right to grow up without being physically or sexually abused at school, in the home or the community. WVC §49-6A-2 requires teachers, counselors, nurses, or other professionals who suspect that a student is being abused to report the circumstances to the West Virginia Department of Health and Human Resources. Victims of abuse may seek the advice or assistance of a teacher, counselor, nurse, or other school professional. The school professional will assist students in getting needed help to prevent the abuse from recurring.

**(SBP 4373; 4<sup>th</sup> Amendment of U.S. Constitution and New Jersey v. T.L.O.)**

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Amended/Revised:

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>S. STUDENTS</b></p> <p><b>File: S.8. 4. Inappropriate Behavior and Meaningful Interventions and Consequences under SBP 4373</b></p>	<p><b>Adopted:</b></p> <p><b>Last Reviewed:</b></p>
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The purpose of these regulations is to provide the Pendleton County 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.

This policy classifies inappropriate student behavior in four levels. Pendleton County policies may be adjusted to 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.

Appropriate and meaningful interventions and consequences for Pendleton County Schools may include those recommended by the county administration to be included in Student Handbooks as well as those examples provided by the State Board of Education. It is a requirement that all schools offer those intervention and consequence listed in this policy and adopted by the Board. School administrators and staff are also 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 if those interventions do not run counter to Board policy.

Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain his/her 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.

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.

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

The interventions and consequences contained in the following pages are taken from SBP 4373.

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**(P) S.8.4.1. Level 1: Minimally Disruptive Behaviors**

<b>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.</b>		
<b>Behaviors</b>	<b>Definitions Level 1</b>	<b>Interventions and Consequences</b>
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"> <li>• Administrator/student conference or reprimand</li> <li>• Administrator and teacher-parent/guardian conference</li> <li>• Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.</li> <li>• Counseling referrals and conference to support staff or agencies</li> <li>• Daily/weekly progress reports</li> <li>• Behavioral contracts</li> <li>• Change in the student’s class schedule</li> <li>• School service assignment</li> <li>• Confiscation of inappropriate item</li> <li>• Revocation of privileges</li> <li>• Restitution/restoration</li> <li>• Detention (lunch, before and/or after school)</li> <li>• Denial of participation in class and/or school activities</li> <li>• 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 <a href="#">§18A-5-1</a>)</li> <li>• Voluntary weekend detention (<a href="#">Superintendent’s Interpretation of May 12, 2006</a>)</li> <li>• In-school suspension</li> <li>• *West Virginia Code <a href="#">§18A-5-1 (d)</a> prohibits the use of suspension solely for not attending class.</li> <li>• 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.</li> <li>• 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</li> </ul>
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 distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.	
Inappropriate Display of Affection	Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.	
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).	
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.	
Skipping Class*	In accordance with WVBE Policy <a href="#">4110 - Attendance</a> , 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.	
Tardiness*	A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.	
Vehicle Parking Violation	A student will not engage in improper parking of a motor vehicle on school property.	

**(P) S.8.4.2. Level 2: Disruptive and Potentially Harmful Behaviors**

<b>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.</b>		
<b>Behaviors</b>	<b>Definitions Level 2</b>	<b>Interventions and Consequences</b>
Habitual Violation of School Rules or Policies	A student will not persistently, as defined by the county, refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.	<ul style="list-style-type: none"> <li>• Administrator/student conference or reprimand</li> <li>• Administrator and teacher-parent/guardian conference</li> </ul>
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.	<ul style="list-style-type: none"> <li>• Referral to support staff or agencies for counseling or other therapeutic services</li> <li>• Daily/weekly progress reports</li> <li>• Behavioral contracts</li> <li>• Change in the student's class schedule</li> </ul>
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.	<ul style="list-style-type: none"> <li>• School service assignment</li> <li>• Confiscation of inappropriate item</li> <li>• Revocation of privileges</li> </ul>
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.	<ul style="list-style-type: none"> <li>• Restitution/restoration</li> <li>• Before and/or after-school detention</li> </ul>
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.	<ul style="list-style-type: none"> <li>• Denial of participation in class and/or school activities</li> </ul>
Possession of Knife not meeting Dangerous Weapon Definition (West Virginia Code <a href="#">§61-7-2</a> )	A student will not possess a knife or knife-like implement under 3½ inches in length. West Virginia Code <a href="#">§61-7-2</a> clarifies that a 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.	<ul style="list-style-type: none"> <li>• 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 <a href="#">§18A-5-1</a>)</li> <li>• Voluntary weekend detention (<a href="#">Superintendent's Interpretation of May 12, 2006</a>)</li> </ul>
Profane Language/ Obscene Gesture/ Indecent Act Toward... An Employee or A Student	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.	<ul style="list-style-type: none"> <li>• In-school suspension</li> <li>• Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 6, Section 2) West Virginia Code <a href="#">§18A-5-1 (d)</a> prohibits the use of suspension solely for not attending class.</li> </ul>
Technology Misuse	A student will not violate the terms of <a href="#">WVBE Policy 2460</a> , Safety and Acceptable Use of the Internet by Students and Educators.	<ul style="list-style-type: none"> <li>• The principal and/or superintendent may recommend placement in an Alternative Education program as described in (P) S.8.4.8.</li> <li>• Expulsion</li> <li>• 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</li> </ul>

		by school officials rather than criminal law issues warranting formal law enforcement intervention.
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**(P) S.8.4.3. Level 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors**

<b>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.</b> The principal shall address these inappropriate behaviors in accordance with W. Va. Code <a href="#">§18A-5-1a, subsections (b) through (h)</a>		
<b>Behaviors</b>	<b>Definitions Level 3</b>	<b>Interventions and Consequences</b>
Battery Against a Student	A student will not unlawfully and intentionally injure another student.	<p>Level 3 behaviors are criminal offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer or actual arrest.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Administrator/student conference or reprimand</li> <li>• Administrator and teacher-parent/guardian conference</li> <li>• Referral to support staff or agencies for counseling or other therapeutic services</li> <li>• Notification of appropriate Health and Human Resources</li> <li>• Daily/weekly progress reports</li> <li>• Behavioral contracts</li> <li>• Change in the student’s class schedule</li> <li>• School service assignment</li> <li>• Confiscation of inappropriate item(s)</li> <li>• Revocation of privileges</li> <li>• Restitution/restoration</li> <li>• Before and/or after-school detention</li> <li>• Denial of participation in class and/or school activities</li> <li>• 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 <a href="#">§18A-5-1</a>)</li> <li>• Voluntary weekend detention (<a href="#">Superintendent’s Interpretation of May 12, 2006</a>)</li> <li>• In-school suspension</li> <li>• Out-of-school suspension for up to ten (10) days (See guidelines in S.8.6.2.)</li> <li>• The principal and/or superintendent</li> </ul>
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.	
False Fire Alarm	A student will not knowingly and willingly set off a fire alarm without cause.	
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.	
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"> <li>• 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.</li> <li>• 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.</li> <li>• Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.</li> <li>• Recruiting student(s) for gangs.</li> </ul>	
Hazing	A student will not haze or conspire to engage in the hazing of another person. “Hazing” means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities.	
Improper or Negligent Operation of a Motor	A student will not intentionally or recklessly operate a motor vehicle, on the grounds of any educational facility, parking lot, or	

Vehicle	at any school-sponsored activity, so as to endanger the safety, health or welfare of others.	<p>may recommend placement in an Alternative Education program as described in Section 5 of this chapter.</p> <ul style="list-style-type: none"> <li>Expulsion</li> </ul>
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 <a href="#">§61-3-13</a> .	
<b>Behaviors</b>	<b>Definitions Level 3</b>	<b>Interventions and Consequences</b>
Sexual Misconduct	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"> <li>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.</li> </ul>
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 <a href="#">§61-2-15</a> ].	
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.	
Harassment/ Bullying/ Intimidation	<p>A student will not bully/intimidate/harass another student. According to West Virginia Code <a href="#">§18-2C-2</a>, "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"> <li>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;</li> <li>Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or</li> <li>Disrupts or interferes with the orderly operation of the school.</li> </ul> <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>When harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:</p> <p><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"><li>• 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</li></ul>	
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<b>Behaviors</b>	<b>Definitions Level 3</b>	<b>Interventions and Consequences</b>
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- 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.

Amorous relationships between county board employees and students are prohibited.

Sexual harassment may include but is not limited to:

- 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.

Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct:

- 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.

Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:

- 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.

Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:

Behaviors	Definitions Level 3	Interventions and Consequences
	<ul style="list-style-type: none"> <li>• touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;</li> <li>• coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;</li> <li>• coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or</li> <li>• threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.</li> <li>• threatening or forcing exposure of intimate apparel or body parts by removal of clothing.</li> </ul> <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 violence</u> is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.</p>	<p>The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.</p>
<p>Imitation Drugs: Possession, Use, Distribution or Sale</p>	<p>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.</p>	
<p>Inhalant Abuse</p>	<p>A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of "getting high". The action may be referred to as huffing, sniffing, dusting and/or bagging.</p>	
<p>Possession/Use of Substance Containing Tobacco and/or Nicotine</p>	<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 <a href="#">§16-9A-4</a>.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.</li> <li>• An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy <a href="#">2422.8 - Medication Administration</a> must be followed in order for students to use such products on school property or at school sponsored events.</li> </ul>	

**(P) S.8.4.4. Level 4: Safe Schools Act Behaviors**

<b>LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in West Virginia Code <a href="#">§18A-5-1a(a) and (b)</a>. The following Level 4 behavior definitions are aligned with West Virginia Code <a href="#">§§61-6-17</a>, <a href="#">61-6-24</a>, and <a href="#">18A-5-1</a>, and in the <a href="#">Gun-Free Schools Act of 1994</a>. These laws require that the principal, superintendent and county board address Level 4 behaviors in a specific manner as outlined in West Virginia Code <a href="#">§18A-5-1a</a>.</b>	
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 <a href="#">§61-2-15(b)</a> .
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 <a href="#">§18A-5-1a(b)(i)</a> . Such acts that would constitute a felony include, but are not limited to, arson (West Virginia Code <a href="#">§61-3-1</a> ), malicious wounding and unlawful wounding (West Virginia Code <a href="#">§61-2-9</a> ), bomb threat (West Virginia Code <a href="#">§61-6-17</a> ), sexual assault (West Virginia Code <a href="#">§61-8B-3</a> ), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code <a href="#">§61-6-24</a> ) and grand larceny (West Virginia Code <a href="#">§61-3-13</a> ).
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 <a href="#">§60A-1-101, et seq.</a> 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 <a href="#">2422.8 - Medication Administration</a> and instances of prescription drug abuse.
Possession and/or Use of Dangerous Weapon	According to West Virginia Code <a href="#">§18A-5-1a(a)</a> , a student will not possess a firearm or deadly weapon as defined in West Virginia Code <a href="#">§61-7-2</a> , on any school bus, on school property or at any school-sponsored function as defined in West Virginia Code <a href="#">§61-7-11a</a> . As defined in West Virginia Code <a href="#">§61-7-2</a> , 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.

**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.

Please refer to *File: S.8.4.5. Assessment and Classification as a Persistently Dangerous School* for complete information concerning the process to be followed in determining if a school should be classified as a Persistently Dangerous School.

*Principals may find assistance in dealing with Level 4 Behaviors by consulting the following Policies:*

- (P) *S.8.6.2. Suspensions of Students*
- (P) *S.8.6.3. Expulsion*
- (P) *S.8.6.5. Student Due Process Rights in an Expulsion or Long Suspension Hearing*
- (P) *S.8.6.6. Suspension and Expulsion of Students with Exceptionalities*

**(P) S.8.4.5. Assessment and Classification as a Persistently Dangerous School**

As required by [20USC7912 Title IX, Part E, Section 9532](#) (No Child Left Behind), beginning with the 2002-2003 school year, and in each subsequent year, data indicating the number of substantiated violations at each school as set forth in the criteria listed below will be collected using the WVEIS in order to identify and classify a school as persistently dangerous.

A school will be classified as a Persistently Dangerous School on or before July 1 of the current year if it has, for two consecutive years, substantiated violations of the following offenses that exceed ~~three~~ five percent of the total number of students enrolled in the school based upon the school's second month enrollment: 61-2-15(b)].

Battery on a school employee [WVC §

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

The Pendleton County school systems will provide the following to any school that has been identified as a Persistently Dangerous School:

- ❖ 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;
- ❖ 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
- ❖ 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

The West Virginia Department of Education will provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth above that exceed 3.75% of the total number of students enrolled in the school based upon the school's second month enrollment.

A student attending a Persistently Dangerous School, as defined by the state, 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 Pendleton County.

**(SBP 4373)**

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**(P) S.8.4.6. 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.  
(SBP 4373)

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**(P) S.8.4.7. Controlling Students by 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:

<b>Time Requirement</b>	<b>Documentation/Notification</b>
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.  
(SBP 4373)

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**(P) S.8.4.8. Alternative Education for Disruptive Students**

The provisions of this policy govern only alternative education programs for disruptive students and/or certain students who have been expelled.

The Pendleton County alternative education program is a temporary departure from the regular school program and it is designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions. It shall also be the placement for students who have been expelled from school according to State School Board policies and/or state laws (WVC §18A-5-1a).

A thorough and efficient education must be available to all students, whether they are placed in regular or alternative programs.

**Purposes:**

Pendleton County Alternative Learning Programs are designed to: (1) provide a safe and orderly learning environment for the education of all students in the public schools of Pendleton County and (2) meet the educational needs of disruptive students (and others) through the development of this alternative education program.

### **Program Description:**

The Pendleton County Alternative Education program shall be a six-hour block of instructional time, which shall be scheduled at the South Branch Career and Technical Center on a daily basis. The goal of this program is to more appropriately meet the academic needs of these students by concentrating on a program that will reinforce basic learning skills and life skills.

The Director of Curriculum and Instruction, in cooperation with other appropriate professional personnel, shall develop a curriculum that meets state approved instructional goals and objectives. The program shall include a component for teaching and learning responsible behavior. These students will also have access to vocational and career related programs as appropriate on a case-by-case basis.

Counseling services will be available through the established program in the Pendleton County schools. Students shall also receive services such as social work or psychological services which shall be provided as indicated in his/her written plan. Students who have special needs that have been identified and addressed in an IEP shall continue to receive the required services.

The Pendleton County Board of Education shall include in its alternative education program a plan to improve student retention and increase the graduation rate in the county. The plan is subject to approval of the state board, and shall include strategies the Board will implement to achieve the following goals:

- ❖ Increasing the graduation rate for the county;
- ❖ Identifying at the earliest age possible those students who are at risk of dropping out of school prior to graduation; and
- ❖ Providing additional options for delivering to at-risk student's academic credentials and career-technical training if appropriate or desired by the student.

The options may include such programs as Techademics, Earn a Degree-Graduate Early (EDGE), Health Sciences and Technology Academy (HSTA), Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), truancy diversion, early intervention, dropout prevention, prevention resource officers, GED option, credit recovery, alternative learning environments, or any other program or strategy approved by the state board.

Career and technical education programs that only students in certain upper high school grade levels to enroll may make exceptions for those at risk students and enroll any of those at risk students who are in grades nine and above.

Students in the alternative program shall participate in the State Assessment Program in accordance with SBP 2340. The test scores for these students shall be counted in the results of the school of referral.

Home-based programs may also be deemed as appropriate for disruptive students who meet eligibility criteria or for students who have been expelled under the Productive and Safe Schools Act.

### **Eligibility Criteria:**

Students may be placed in the Alternative Education Program for a variety of reasons, which shall include but are not limited to:

- ❖ Violations of the Productive and Safe School Act (§18A-5-1a);

- ❖ Repeated violations of the discipline policy following documented multiple behavioral interventions by the Student Assistance Team at the referring school;
- ❖ Continuation of educational services during periods of suspension or expulsion.

Students who have been expelled shall be placed in an alternative education program unless found to be a dangerous student under the procedures set forth in West Virginia Code §18A-5-1a.

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

### **Placement Process:**

The referring school’s Student Assistance Team shall make placement decisions, excluding short-term in-school suspensions. The SAT shall develop a written plan for the student. The placement team for all students with disabilities shall be the IEP team and the written plan shall be the IEP. The placement plan shall contain provisions for periodic review of the student’s progress at the end of each nine-week grading period.

The student’s parents shall be included in the placement process and shall be given ample opportunity for input into the process.

The SAT, as appropriate, may seek input and information from the Department of Health and Human Resources, the Juvenile Justice System or other community based resources.

### **Instruction:**

Pendleton County will deliver instruction according to the following standards:

- ❖ activities will be consistent with the written curriculum and appropriate for the student's developmental levels;
- ❖ instructional materials will be age appropriate, functionally appropriate and of high interest level for students;
- ❖ the Pendleton County Alternative Education Program will provide for individualized instruction and will accommodate the entry and exit of students;
- ❖ all curricular and instructional practices will reflect high expectations for students;
- ❖ the Pendleton County Alternative Education Program will be delivered in a climate conducive to learning; and
- ❖ will have sufficient instructional materials, supplies, and equipment to deliver a high quality instructional program.

### **Personnel:**

Pendleton County Schools will hire only the most qualified applicant(s) to implement its alternative education program. Classroom teachers shall be selected on the basis of their demonstration of competence in meeting the following standards:

- ❖ any West Virginia professional teaching certificate;
- ❖ ability to effect positive behavior in disruptive students;
- ❖ effective leadership and/or mentoring skills in working with youth;
- ❖ successful experience in providing education to troubled or disruptive youth;
- ❖ specialized training or experience in non-traditional programs; and
- ❖ specialized training in behavior management skills.

### **Licensure:**

A teacher assigned to deliver the academic subjects within the Pendleton County Education program must possess a valid West Virginia professional teaching certificate in any area or a Temporary Authorization valid for one year will be granted to a successful candidate for an Alternative Education Program position. The Superintendent shall verify that the applicant possesses the required competencies. A Temporary Authorization may be renewed each year based on the applicant's continued employment in an alternative education program.

### **Units of Credit:**

Pendleton County Schools will grant units of credit for work satisfactorily completed in its Alternative Education Program. Units of credit may be based upon mastery of performance criteria but generally are the standard units of credit.

### **Program Completion:**

Pendleton County students may complete their alternative education program in one of the following ways:

- ❖ fulfillment of the criteria for re-entry to the regular school program;
- ❖ completion of high school graduation requirements that leads to awarding of a high school diploma from Pendleton County Middle/ High School;
- ❖ completion of identified performance criteria leading to a high school diploma; and
- ❖ completion of a G.E.D. in accordance with WV State Board of Education Policy 2444.4.

### **Accountability for Results:**

Pendleton County Schools will conduct an annual evaluation of the effectiveness of the Alternative Education programs. The evaluation of the effectiveness of alternative education programs shall focus upon the impact of the program on student performance and results using indicators such as:

- ❖ academic gains;
- ❖ reduction in drop out rates;
- ❖ reduction in the incidences requiring disciplinary action;
- ❖ improvement in attendance rates;
- ❖ rates of successful program completion and subsequent return to regular school programs; and
- ❖ rates of successful completion of high school graduation requirements (or) attainment of G.E.D.  
(WVC § 18-2-6; §18-8-6; §18-9A-21; SBP 2510)

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### **(P) S.8.4.9. Collaboration with Law Enforcement**

Police authorities and the schools have certain interests in common which may best be served by cooperation. It shall be school policy that the police authorities, when investigating criminal acts, and after parental contact and consent, shall be permitted to question pupils in school in the presence of the principal or a professional employee designated by him/her.

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

Although SBP 4373 grants great latitude to the police in performing their duties, it is incumbent upon the school principal to be fully informed about the nature of any request by the police to question or conduct an investigation of any student's actions in order that s/he may properly execute his/her duties in behalf of the Board of Education in such matters.

**(WVC §18-2-5; §18-5-1; §18-5-13 and SBP 4372)**

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Amended/Revised:

**PENDLETON COUNTY BOARD OF EDUCATION**

**S. STUDENTS**

**File: S.8.5. Procedures for Addressing Allegations of Inappropriate Behaviors under SBP 4373**

**Adopted:**

**Last Reviewed:**

All Pendleton County 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 *File: S.8.4. Inappropriate Behavior with Meaningful Interventions and Consequences*. 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.

**Reporting Complaints of Inappropriate Behavior**

- ❖ The school principal or his/her designee shall receive all complaints regarding **Inappropriate Behaviors**.
- ❖ School Employees, students or public guests who observe **Inappropriate Behaviors** must report them to the designated school official.
- ❖ As appropriate, a person may report **Inappropriate Behaviors** directly to the Superintendent, or to the West Virginia Human Rights Commission, or to a law enforcement agency.
- ❖ The failure of employees to respond to **Inappropriate Behaviors** shall be reflected in the employee’s Performance Evaluation as defined in State Board Policy 5310.
- ❖ These procedures do not deny the right of individuals to pursue other avenues of redress of their grievances that may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal and/or federal law.  
(SBP 4373)

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**(P) S.8.5.1. Reporting Sexual and Religious/Ethnic Harassment and Violence**

Any person who believes s/he has been victim of harassment or violence by a student or an employee of Pendleton County Schools, or any third person with knowledge or belief of conduct which may constitute harassment, should report the alleged acts immediately to an appropriate official as designated by these procedures. Pendleton County Schools encourages the reporting party or complainant to use the report form available from the Human Rights Officer.

❖ **In Each School Building**

The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal 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 principal verbally, s/he shall reduce it to written form before the close of the next working day and forward it to the Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be made directly to the Human Rights Officer.

For school buildings/facilities that do not have a building principal, the Director of such building or facility will be the person responsible for receiving oral or written reports of sexual harassment. All other provisions of the paragraph above apply to such situations, except that the term "Director" shall be substituted for the term "building principal".

❖ **District-Wide**

The Board designates its Title IX Coordinator as the Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals 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 these procedures. The name of the Human Rights Officer, including 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.

❖ **Submission of a Complaint or Report**

Submitting a complaint or report concerning sexual harassment will not affect the future employment, grades, or work assignments of the person who submits the complaint or report. The use of formal reporting forms is not mandatory. Pendleton County Schools will respect the confidentiality of the complainant and the individuals against whom the complaint is filed as much as possible, consistent with the agency's legal obligations and the necessity to investigate allegations of harassment and violence and take disciplinary action when the conduct has occurred.

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the county board of education shall comply with the provisions of law for reporting such abuse.

(SBP 4373)

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**(P) S.8.5.2. Investigating Allegations of Inappropriate Behavior**

As the school leader, the principal or his/her designee shall be responsible for investigating all reports of **Inappropriate Behaviors** which occur in the course of a school day or during after school hours events. In some rare cases, it may be appropriated for the Superintendent to designate a third party to conduct the investigation into alleged **Inappropriate Behaviors**.

The investigation of an alleged violation of school rules shall follow the format provided below:

- ❖ The principal or his/her designee shall immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.
- ❖ The principal or his/her designee shall determine whether the alleged conduct constitutes a violation of these procedures or WVC §18A-5-1a
- ❖ The principal, upon receipt of a complaint or report of **Inappropriate Behaviors**, shall review the facts surrounding the report and determine the level of investigation required to resolve the issue. The principal may conduct the investigation, or a person designated by him/her, or by a third party designated by the Superintendent in accordance with SBP 4373.
- ❖ The investigation must, at a minimum, consist of the following:
  - Personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident 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, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels 2 and discretionary at Level 1.
  - ❖ The investigation will be completed as soon as practicable but no later than 10 school days following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period.
  - ❖ The investigator (if it is a person other than the principal) shall make a written report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
  - ❖ The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.
  - ❖ In general, the report shall be recorded and filed at the school level; however, certain **Inappropriate Behaviors** may warrant filing a report with the Superintendent's Office.
  - ❖ 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 these procedures. 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.
- (SBP 4373)

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### **(P) S.8.5.3. Prevention of Reprisals**

Appropriate action will be taken against any student who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Similarly, appropriate disciplinary action will be taken against any student, administrator or other school personnel who falsely reports violations of these procedures.

If an investigation reveals that an employee, student, parent/guardian or member of the public making the complaint has falsely (and in bad faith or out of malice) accused an employee or student of harassment as defined in this policy, or has falsely reported Inappropriate Behaviors, the complaining individual shall be subject to discipline and/or legal action.

Disciplinary actions for students who commit reprisals or falsely reported inappropriate behaviors will follow the guidelines set forth in *File: S.8.4. Inappropriate Behavior with Meaningful Interventions and Consequences*.

Disciplinary action for employees may include but not limited to oral or written reprimand, suspension, termination of employment.

Parents/guardians and/or other members of the public who falsely (and in bad faith or out of malice) accuse an employee or student of harassment or Inappropriate Behaviors as defined in this policy, are advised that they may be subject to civil action in the court system and may be referred to the appropriate law enforcement agency for possible criminal action

(SBP 4373)

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Amended/Revised:

<p><b>PENDLETON COUNTY BOARD OF EDUCATION</b></p> <p><b>S. STUDENTS</b></p> <p><b>File: S.8. 6. Procedures for taking Action on Substantiated Inappropriate Behavior under SBP4373</b></p>	<p><b>Adopted:</b></p> <p><b>Last Reviewed:</b></p>
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It is the intent of the Pendleton County Board of Education for its 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.

Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain academic progress. Out-of-school suspension is not a recommended optional 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.

In determining the appropriate intervention and/or consequence in response to a substantiated Level 1, 2, or 3 inappropriate behavior, the principal, superintendent and/or local board of education should consider:

- ❖ the surrounding circumstances,
- ❖ the nature of the behavior,
- ❖ past incidents or continuing patterns of behavior,
- ❖ the relationships between the parties involved and the context in which the alleged incidents occurred.

**Guidelines for Specific Responses to Inappropriate Behavior** are defined in the policies contained in the following pages.  
(SBP 437i3)

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**(P) S.8.6.1. Exclusions**

According to WVC §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 *File: S.8.4. Inappropriate Behavior and Meaningful Interventions and Consequences*, 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, s/he 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. (WVC §18A-5-1 and SBP 4373)

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### **(P) S.8.6.2. Suspensions of Students**

Suspension of students shall be at the discretion of the principal. 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.

#### **Behaviors for Which Students may be Suspended**

A principal **may suspend** a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has:

- ❖ threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel;
- ❖ willfully disobeyed a teacher;
- ❖ possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function;
- ❖ used profane language directed at a school employee or student;
- ❖ intentionally defaced any school property;
- ❖ participated in any physical altercation with another person while under the authority of school personnel; or
- ❖ habitually violated school rules or policies.

If a student has been suspended for these reasons, the principal **may** request that the superintendent recommend to the county board that the student be expelled.

Suspension for the behaviors listed above 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.

### **Behaviors Which Require a Student's Suspension**

A principal **shall** suspend 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 on a school bus, on the premises of an educational facility or at a school-sponsored function:

- ❖ battery on a school employee;
- ❖ possession of a deadly weapon; or
- ❖ sale of a narcotic drug.

If a student has been suspended for these reasons, the principal **shall**, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.

A principal **shall** suspend 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 **may** present evidence to the Superintendent and request s/he recommend to the Board that the student be expelled.

### **Informal Hearings**

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. 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:

- ❖ The hearing is held before the suspension; however, the student may be suspended immediately if he/she poses a danger to others. The hearing must be scheduled as soon as practical.
- ❖ If possible, the student and his/her parents shall be given telephonic notice of the hearing.
- ❖ The principal presents the charges to the student and asks if he/she admits to them.
- ❖ If the student denies the charges, he/she shall be given an explanation of the evidence possessed by the principal and an opportunity to present his/her version of the facts surrounding the incident.
- ❖ At the conclusion of the hearing, the principal may suspend the student for a maximum of ten days.
- ❖ The parents/guardians must be notified of the suspension in writing, by regular mail the same day the suspension has been handed down.
- ❖ The Superintendent and the Attendance Director must also be notified and the faculty senate must be notified at the next meeting following the suspension.
- ❖ The student and his/her parents have the right to appeal the suspension through the Citizens Appeal Procedure.
- ❖ A student may not be suspended from school solely for not attending class.
- ❖ Each suspension imposed upon a student must be recorded in the WVEIS by the principal within 24 hours of the suspension.

*Exclusions and in-school suspensions do not deprive a student of his/her educational opportunities; therefore, they do not require due process.*

Students may not participate in any school-sponsored activities, ride a school bus, or be permitted on school grounds during the period of suspension without permission of school officials.

Students will not be permitted to return to school until a satisfactory conference with the student, teacher, parent or guardian, and administrator is held. At that conference, plans will be made for improved behavior on the part of the student.

A suspension of more than 10 days requires a formal hearing before the Pendleton County Board of Education.

(WVC §18A-5-1; §18A-5-1a and SBP 4373)

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### **(P) S.8.6.3. Expulsion**

Students may be expelled only by action of the Pendleton County Board of Education upon the recommendation of the Superintendent. The recommendation of the Superintendent shall be based upon the recommendation and factual information presented by the school principal who must conduct an informal suspension hearing for the student as a part of the fact-finding process.

Misconduct that may be grounds for expulsion include, but is not limited to:

- ❖ Willful disobedience;
- ❖ Threatening to or injuring a student or school employee;
- ❖ Possession of alcohol in an educational facility, on school grounds, or a bus or at a school-sponsored activity;
- ❖ Directing foul/profane language at a school employee or student;
- ❖ Intentionally defacing school property;
- ❖ Fighting; or
- ❖ Habitually violating school rules or policies.

Principals who possess information that a student has violated *the Safe Schools Act must* conduct an informal suspension hearing to determine if the allegations are true. The principal has the authority to end suspension proceedings if s/he determines that a student has not violated the Safe Schools Act. If the student is found guilty, the principal must make a timely request that the Superintendent recommend expulsion to the Board. The Superintendent must make that recommendation to the Board.

Inappropriate behaviors which must be investigated include the following:

- ❖ Committing an assault or battery on a school employee;
- ❖ Possessing a deadly weapon on school premises, school bus, or at a school function;
- ❖ Sells a narcotic drug.

Students who have been recommended for expulsion shall be placed on a ten-day suspension to allow time to arrange for an expulsion hearing before the Board

The Board must hold a formal hearing to determine if the allegations are true. If the Board determines during its proceedings that the student has not violated the Safe Schools Act, it may bring the expulsion proceedings to an end.

If the student is found guilty of the above charges, s/he may be expelled pursuant to the provisions of WVC §18A-5-1a 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 Superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the pupil if the circumstances of the pupil's case demonstrably warrant. Upon the reduction of the period of expulsion, the Superintendent shall prepare a written statement setting forth the circumstances of the pupil's case which warrant the reduction of the period of expulsion. S/he shall submit the statement to the Board, the principal, the faculty senate and the local school improvement council for the school from which the pupil was expelled. The Superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:

- ❖ 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 policy, facts shall be found by a preponderance of the evidence.

All actions taken with regard to WVC §18A-5-1a 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 WVC §18A-5-1a shall be recorded in WVEIS.

While the decision to expel is final, it does not release the school system from responsibility for providing the student with an education. Recent court cases have made it clear that expelled students are entitled to placement in an alternative instructional setting.

### **Board of Education's Options for Conducting Student Hearings**

- ❖ The Board may employ an attorney to conduct the expulsion hearing.
- ❖ The attorney must be licensed to practice in West Virginia and may not be an employee of the Board.
- ❖ The hearing examiner's decision carries the same force of law as decisions made by the Board.
- ❖ Parents, guardians, custodians, or the Superintendent may make a written request of the Board to review the decision of the hearing examiner. The Board may affirm, modify, or reverse the decision of the hearing examiner.

### **Superintendent's Authority in Conducting Student Hearings**

The Superintendent may apply to the circuit judge or magistrate for authority to subpoena witnesses and documents.

**(WVC §18A-5-1; §18A-5-1a; §18A-5-1b SBP 4372; J.M. v. Webster County Bd. of Educ. (W.Va. 2000)**

#### **(P) S.8.6.4. 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](#)).

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#### **(P) S.8.6.5. Student Due Process Rights in an Expulsion or Long Suspension Hearing**

An out-of-school suspension of more than 10 days or an expulsion requires a formal hearing before the county board of education. Procedures the Board must follow on these occasions are outlined in West Virginia Code [§§18A-5-1 and 18A-5-1a](#) and include:

- ❖ The Board must hold a hearing on the expulsion or long suspension;
- ❖ The student and parents or guardians must be given a written statement of the specific charges against the student and the recommended disposition of those charges;
- ❖ The notice must also clearly state whether the Board will attempt at this hearing to establish the student as a dangerous student;
- ❖ The student and parents or guardians must be given a written notice of the time and place of the Board hearing during which the expulsion will be considered;
- ❖ The student and parents or guardians have a right to be present at the Board hearing and to defend himself/herself against the charges;
- ❖ The student and his/her parents must be given a reasonable time to prepare for the hearing;
- ❖ If the student so desires s/he has the right to be represented (at the student's own expense) by an attorney at the Board hearing;
- ❖ The student has a right to present witnesses in his/her behalf, to hear the testimony of witnesses against him/her and to question the witnesses against him/her; and
- ❖ The hearing shall take place within the ten-day period of suspension imposed by the principal;
- ❖ 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.
- ❖ In all such hearings, the facts shall be found by a preponderance of the evidence;
- ❖ At the conclusion of the hearing, the Board shall either:
  - Order the student reinstated immediately; or
  - Suspend the student for a further designated number of days; or
  - Expel the student from the public schools of Pendleton County.
- ❖ The Board shall also determine if the student should be classified as a dangerous student.
- ❖ The hearing shall be recorded by mechanical means or by a certified court reporter.  
**(WVC §18A-5-1a and 14<sup>th</sup> Amendment)**

Expulsion by the Pendleton County Board of Education is final; however, if the student believes that s/he was not given procedural due process or that other of his rights were violated, then the student 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.

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### **(P) S.8.6.6. Suspension and Expulsion of Students with Exceptionalities**

The Pendleton County discipline policies apply to students with exceptionalities as well as regular students. The only exception is if a direct causal relationship between the exceptionality and the misconduct exists. The following information applies to students with exceptionalities.

Students with exceptionalities who are subject to disciplinary actions by a district are entitled to all of the due process rights afforded students without exceptionalities under WVC §18A-5-1a. In addition to these rights, IDEA 2004 provides added procedures and safeguards to a student with an exceptionality that the district is considering removing from his or her current educational placement for disciplinary reasons. When determining whether a change of placement is appropriate, the district must consider any unique circumstances on a case-by-case basis. These procedures do not prevent district personnel from maintaining a safe environment conducive to learning that is critical for all students.

State Board Policy 2419 and the Director of Special Education should always be consulted when in doubt about the manner in which disciplinary rules are to be applied to students who have exceptionalities.

#### **Suspensions Which Are Not a Change of Placement**

School personnel may suspend student, including a student with an exceptionality, for up to 10 consecutive school days in a school year if the student is guilty of inappropriate behavior. During the initial 10 cumulative days of removal, services need not be provided to a student with a disability unless services are provided to students without exceptionalities. These removals must be applied to the same extent as they are applied to students without exceptionalities.

School personnel may suspend a student with a disability for up to 10 consecutive school days per incident for separate acts of misconduct in a school year as long as the removals do not constitute a pattern resulting in a change of placement.

For each subsequent removal beyond 10 cumulative school days in a year that is not a change in placement, school personnel in consultation with at least one of the student's teachers must determine the extent to which services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

#### **Procedures to be followed when considering a Disciplinary Change of Placement**

A manifestation determination is required if the district is considering removing a student with an exceptionality from his or her educational placement for disciplinary reasons beyond ten consecutive school days or more than 10 cumulative school days when the district deems that a pattern exists. A manifestation determination is defined as a review of the relationship between the student's exceptionality and the behavior subject to disciplinary action. Whenever considering disciplinary action that will result in a change of placement, the district must:

- ❖ Provide same day written notice of the removal, PWN, and the procedural safeguards notice to the parent/adult student of the disciplinary action to be taken; and

- ❖ Within 10 school days of any decision to change placement, meet with the parent and relevant members of the IEP Team (as determined by the parent and district) to conduct a manifestation determination by reviewing all pertinent information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:
  - If the conduct in question was caused by, or had a direct and substantial relationship to the student's exceptionality; or
  - If the conduct in question was the direct result of the district's failure to implement the IEP.

If the district, the parent and relevant members of the IEP Team determine that either of the conditions described above were met, the conduct must be determined to be a manifestation of the student's exceptionality, and the district must take immediate steps to remedy those deficiencies.

### **Procedures to be followed when Conduct is determined to be a Manifestation of the Student's Exceptionality**

The IEP Team shall:

- ❖ Conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) if one has not been completed; or
- ❖ Review the existing BIP and revise as needed to address the current behavior(s); and
- ❖ Return the student to the placement from which the student was removed unless the parent and the district agree to a change of placement as part of the modification of the BIP as determined by the IEP Team.

### **Procedures to be followed when Conduct is determined not to be a Manifestation of the Student's Exceptionality**

- ❖ Determine appropriate disciplinary action, which may include relevant disciplinary procedures applicable to students without exceptionalities;
- ❖ Convene IEP Team to develop an IEP that specifies the educational services to be provided to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
- ❖ Provide, as appropriate, a functional behavioral assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

### **Procedures to be Followed When a Behavior Violation Involves Weapons, Illegal Drugs or Serious Bodily Injury**

Regardless of whether the behavior is a manifestation of the student's exceptionality, school personnel may remove a student to an interim alternative educational setting (IAES) for not more than forty-five school days, if the student:

- ❖ Carries or possesses a weapon at school, on school premises or at a school function; or
- ❖ Knowingly possesses, carries, or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises or at a school function; or
- ❖ Inflicts serious bodily injury to another person at school, on school premises, or at a school function.

Districts must use the following definitions when removing students because of the above special circumstances:

- ❖ Weapon – a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that such a term does NOT include a pocket knife with a blade of less than 2 ½ inches in length (18 U.S.C. Section 930 (g)(s)).

- ❖ Illegal drug – a controlled substance, a drug or other substance identified under schedules I, II, III, IV or V in Section 202(c) of the Controlled Substance Act (21 U.S.C. 812 (c)). An illegal drug does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or used under any other authority under that Act or under any other provision of federal law.
- ❖ Serious bodily injury - a bodily injury that involves:
  - A substantial risk of death;
  - Extreme physical pain; or
  - Protracted and obvious disfigurement; or
  - Protracted loss or impairment of the function of the bodily member, organ or mental faculty.

The IAES must enable the student to receive educational services and participate in the general education curriculum (although in another setting) and to progress toward meeting the goals set out in the student's IEP. As appropriate, the setting must include a functional behavioral assessment and behavioral intervention services and modifications to address the behavior violation so that it does not recur.

### **Protections for Students Not Yet Eligible for Special Education**

A student who has not been determined eligible for special education and related services and who has violated any rule or code of conduct of the district may assert the protections of the IDEA 2004 if the district had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

### **Basis of Knowledge**

With limited exceptions, which are described in item 2 of this section, the district will be deemed to have knowledge that an individual is a student with an exceptionality if one or more of the following is true:

- ❖ The parent/adult student has expressed concern to district professional personnel that results in written documentation that the student may need special education and related services.
- ❖ The parent/adult student has requested in writing that the student be evaluated for special education.
- ❖ The student's teacher or other district personnel have expressed concern about a pattern of behavior demonstrated by the student directly to the director of special education or to other district supervisory personnel in accordance with the district's established child find system and referral process.

### **No Basis of Knowledge**

The district will be deemed not to have knowledge that an individual is a student with an exceptionality if one or more of the following is true:

- ❖ An evaluation was conducted and a determination was made that the student did not have an exceptionality;
- ❖ The parent/adult student did not give written consent for an evaluation; or
- ❖ The parent/adult student refused special education services.

If the district did not have a basis of knowledge that a student was a student with an exceptionality prior to taking disciplinary measures, the student is subjected to the same disciplinary measures applied to all other students who engage in comparable behaviors.

### **Transfer of Discipline Records**

West Virginia Code §18A-5-1a requires that whenever a student transfers to a new school in West Virginia, the principal of the school from which the student transfers shall provide

written record of any disciplinary action taken against the student to the principal of the school to which the student transfers. WV Board of Education Policy 4350 describes the procedures and record requirements for transfer of records between WV schools.

The above procedures are a good summary of the protections that must be granted to students with exceptionalities when disciplinary actions are take, but school personnel should always consult SBP 2419 when there is a question that still remains about the proper procedures to be followed.  
(WVC §18A-5-1a; SBP 2419)

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### **(P) S.8.6.7. Procedures for Reporting Actions 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 Pendleton County Schools shall utilize the WVEIS as a 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 *File: S.8.4. Inappropriate Behavior and Meaningful Interventions and Consequence*, 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.

#### **Recording Suspension and Expulsion Information on the WVEIS**

Each suspension or expulsion imposed upon a student shall be recorded in the uniform West Virginia Education Information System.

- ❖ The principal of the school at which the student is enrolled shall create an electronic record within 24 hours of the imposition of the suspension or expulsion.
- ❖ Each record of a suspension or expulsion shall include the student's name and identification number, the reason for the suspension or expulsion, and the beginning and ending dates of the suspension or expulsion.
- ❖ The State Board of Education shall collect and disseminate data so that any principal of a public school in West Virginia can review the complete history of disciplinary actions taken by West Virginia public schools against any student enrolled or seeking to enroll at that principal's school. The purposes of this provision are to allow every principal to fulfill his or her duty under WVC §18-5-15f to determine whether a student requesting to enroll at a public school in West Virginia is currently serving a suspension or expulsion from another public school in West Virginia and to allow principals to obtain general information about students' disciplinary histories.  
(WVC §18A-5-15a; SBP 4373)

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**(P) S.8.6.8 Appeals Procedures**

If someone believes that the Board 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.

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Amended/Revised:

<b>PENDLETON COUNTY BOARD OF EDUCATION</b> <b>S. STUDENTS</b> <b>File: S.8.7. Index of Pendleton County Policies which Support SBP 4373</b>	<b>Adopted:</b> <b>Last Reviewed:</b>
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## INDEX

### Pendleton County Policies Which Support SBP 4373

For many years the Pendleton County Board of Education has been diligent in its efforts to promote a safe and supportive school environment for its constituents. The Board has made a conscious effort to stay abreast of the changes in society, the changing needs of students, changes in teaching and learning methods, changing School Laws and the directives of the State Board of Education.

The result of these efforts to maintain a strong school system has been the development of numerous policies which the Board believes support the *new SBP 4373 Expected Behavior in Safe and Supportive School* policy. The following is a listing of related policies which may be found in the Pendleton County Schools Policy Manual which is accessible on the Pendleton County web site:

#### **File: S.8. Pendleton County Standards for Student Conduct**

- File: (P) S.12.1. Responsibilities of the Students
- File: (P) S.12.2. Responsibilities of the Parents
- File: S.12. Student Discipline
- File: (P) S.12.3. Detention of Students
- File: (P) S.12.4. Dangerous Student Designation
- File: (P) S.12.5. Deadly Weapons
- File: (P) S.12.6. In-School Suspension and Exclusions
- File: T.2. Student Conduct on School Buses
- File: (P) T.2.1. General Rules of Conduct on Buses
- File: (P) T.2.1.1. Procedures for Disciplining Bus Students
- File: (P) T.2.2. Supervision of Curricular and Extracurricular Trips
- File: (P) T.2.3. Monitoring Student Bus Conduct Electronically

#### **Harassment, Intimidation and Bullying**

- File: P.21. Racial, Sexual, Religious, Ethnic Harassment & Violence
- File: (P) P.21.3. Issuing Subpoenas to Aid in Criminal Investigations Involving Certain Crimes against Minors
- File: S.9. Hazing
- File: S.10. Harassment, Intimidation or Bullying Prohibition
- File: (P) S.10.1. Bullying
- File: (P) S.10.2. Cyber Bullying
- File: (P) S.10.3. Obscene, Anonymous, Harassing and Threatening Communications by Computer, Cell Phones and Electronic Communication
- File: (P) S.10.5. Complaint Procedures
- File: (P) S.10.6. Investigation Procedures
- File: (P) S.10.7. Reprisals
- File: (P) S.10.8. Policy and Procedures Dissemination

## **Instruction**

- File: I.3. Equal Opportunity in Pendleton County Schools
- File: I.5. Local School Improvement Councils
- File: (P) I.9.2. Character Education
  
- File: I.13. Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet
- File: I.13.1 Internet Safety Policy
- File: (P) I.13.4. Electronic Mail, Social Media and Networking
- File: (P) I.7.11. Guidance Program
- File: I.20. Electronic Strategic County Improvement Plan
- File: I.21. Electronic Strategic School Improvement Plan

## **Miscellaneous Student Policies**

- File: (P) F.8.10. Vending Machine Sales
- File: (P) S.5.4. Transfer Student's Suspension and/or Expulsion Status
- File: S.11. Substance Abuse and Tobacco Control
- File: S13. Health Services
- File: S.14. Student Safety
- File: (P) S.14.1. Supervision of Students
- File: (P) S.14.5. Student Automobile Use
- File: S.18. Student, School Personnel, and Visitor Identification Card Policy

## **Personnel**

- File: (P) P.1.2. Equal Employment Opportunity
- File: (P) P.2.4. Professional Certification Requirements
- File: (P) P.2.5. Highly Qualified Teachers
- File: (P) P.2.10. FBI Background Check
- File: (P) P.3.3. Background Check for Service Personnel
- File: (P) P.3.5. Required Level of Education and Service Personnel Contracts
- File: (P) P.3.6. Competency Testing for Service Personnel
- File: P.5. Transportation Employees' Alcohol and Controlled Substance Testing
- File: P.9. Professional Conduct and Responsibilities
- File: (P) P.9.4. Bill of Rights and Responsibilities for Students and School Personnel
- File: (P) P.9.5. Electronic Mail, Social Media and Networking
- File: (P) P.9.2. Employee Code of Conduct
- File: (P) P.9.3. Reporting Suspected Child Abuse and Neglect
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## **School and Community**

- File: (P) B.10.7. Public Participation at Board Meetings
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## **School Safety**

- File: T.4. Safety – People and Property
- File: (P) T.4.1. General Safety Guidelines
- File: (P) T.4.2. Crisis Situations
- File: (P) T.4.3. Goals and Objectives of the Crisis Plan
- File: (P) T.4.4. Pre-Crisis Procedures
- File: (P) T.4.5. Post-Crisis Procedures
- File: (P) T.4.6. Crisis Prevention Recommendations
- File: (P) T.4.7. Disaster Plans
- File: (P) T.4.8. Playground Inspection
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## **Student Rights**

- File: (P) S.7.1. Married and/or Pregnant Students
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- File: S.15. Student Fees, Fines, Charges, Instructional Resources and other Materials
- File: S.17. Student Permanent Records: Collection, Maintenance and Disclosure
- File: (P) S.17.18. Records from the Juvenile Justice System
- File: S.19. Co-Curricular and Interscholastic Programs
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- File: (P) S.19.7. Athletic Contests for Special Needs Students