

**TITLE: EXPECTED BEHAVIORS IN SAFE AND SUPPORTIVE SCHOOLS**

Purpose. The purpose of this policy is to promote a safe and supportive educational environment; encourage schools to embrace preventative approaches to ensure a positive school climate/culture that fosters learning and personal-social development; establish procedures to be implemented to create and support continuous school climate/culture improvement processes within schools that will promote an orderly and safe environment that is conducive to learning; and 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.

It is also the purpose of this policy to set forth unacceptable behaviors that undermine a school's efforts to create a positive school climate/culture.

Expected Student Dispositions. The Board is committed to 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. Toward this end, the Board will expect appropriate student dispositions, including the values, commitments and ethics that influence one's behaviors toward others and affect learning, motivation and development. Schools shall support and promote social and emotional learning in all settings. The social and emotional learning standards should serve as a framework for school-wide student behavior expectations as determined by each school faculty. School shall cultivate student social competencies in three core areas: self-awareness and self-management; social awareness and interpersonal skills; and, decision-making skills and responsible behaviors. The Board shall adhere to West Virginia Board of Education policies that address social and emotional learning that are identified in West Virginia Board of Education Policy 4373. Schools shall analyze the various delivery methods and develop a systemic approach that assures sufficient opportunities to learn and practice the skills throughout the school and community environment. Schools should address student development holistically and relate it to real-world functioning. Schools shall deliver curriculum that meets the core area standards contained in West Virginia Board of Education Policy 4373. 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.

Student Rights and Responsibilities. The Board shall observe all constitutional and statutory requirements relating to students' rights and responsibilities. The summary information contained in West Virginia Board of Education Policy 4373, in the areas of a student's 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 self-incrimination; and, child abuse prevention, shall be made available to students and parents by publishing a link to West Virginia Board of Education Policy 4373

[<http://wvde.state.wv.us/policies/p4373-new.pdf>], referencing Chapter 2, in student handbooks or by distribution of this policy.

Application. This policy shall apply in all 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 Board or in another facility or upon any other property being used by any schools. These expectations apply to students, staff and public guests, respectively, as noted within the policy.

Guidelines for School Level Implementation. The Faculty Senate of each school shall review the social and emotional learning standards identified in West Virginia Board of Education Policy 4373 for the purpose of establishing a framework and may make recommendations to the school principal concerning the implementation of a school-wide approach to student behavior expectations. In formulating recommendations, Faculty Senates may consider a variety of models that may be used to provide instruction in and opportunities to practice, apply and be recognized for social and emotional learning skills. In accordance with the provisions of this policy, schools shall establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal (involving partner organization representative interaction with students) and informal. Formal partnerships between community service agencies must be approved by the Board. Each school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians. This policy shall appear in the student and staff handbooks and, if no handbook is available, a copy will be distributed to all students, faculty and staff. Each school shall develop and implement training for students and staff on this and on means for effectively promoting the goals of this policy. 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 Policy 4373;
- analyze school climate/culture data annually;

- make data-driven improvement decisions based on analysis of consistently tracked student behaviors;
- implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- implement programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes;
- implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk for 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.

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.
- Evaluation data from training and staff development provided by the county, RESA and/or WVDE.

Safeguards to Protect the Safe and Supportive Environment in the Schools. It shall be the responsibility of school administration to implement provisions of this policy with specific regard to education, communication and enforcement provisions. 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 West Virginia Board of Education Policy 4321.1 - Standards for School Nutrition, marketing of other foods and beverages in the high school setting shall be minimized 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. All groups using school facilities shall sign agreements with the Board agreeing to comply with the environmental safeguards set forth in this policy; and 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.

Procedures for identification, intervention and referral of students with behavioral and substance abuse issues.

Partnerships. In the event the Board enters into partnerships with community service agencies for the purpose of providing the county's schools with additional supports and resources to shape behaviors in safe and supportive schools that involve partner organization representative interaction with students on school property, during the school day or on behalf of the school system, memoranda of understanding and/or contracts shall be required. These instruments 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, data).

Adherence to Applicable Federal and State Law.

The Board shall adhere to the requirements of West Virginia Code § 18-9F-3 relating to the submission of an access safety plan and amendments to School Building Authority. The Board shall adhere to the requirements of West Virginia Code § 18-9F-9 relating to the collection of school a crisis response plans by August 12, 2012.

The Board shall adhere to the provisions of West Virginia Code § 18-5-1. Specifically, the Board acknowledges that the teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

The Board shall adhere to the disciplinary action requirements and due process procedures contained in West Virginia Code § 18-5-1A for Safe School Act violations (possessing deadly weapons, possessing a controlled substance, assaults and batteries upon teachers and other school personnel, sale of narcotic).

The Board shall adhere to the provisions of West Virginia Code § 61-7-11A relating to authorization for the possession of a deadly weapon on school property and the reporting requirements for authorized possession of deadly weapons.

Addressing Inappropriate Behavior with Meaningful Interventions and Consequences. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level 1 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator for Levels 1, 2 and 3.

The principal shall suspend a student who commits a behavior classified as Level 4 in this policy. Levels 3 and 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

Any student suspended or expelled from school is also suspended from 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, West Virginia Board of Education Policy 2419 and/or Section 504.

Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences.

Behaviors	Definitions – Level 1	Interventions and Consequences
<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>		
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 sanction, 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> </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 parent/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.	

Behaviors	Definitions – Level 1	Interventions and Consequences
Inappropriate Display of Affection	Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.	<ul style="list-style-type: none"> <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>
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 <a href="#">Policy 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.	

Behaviors	Definitions – Level 2	Interventions and Consequences
<p><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></p>		
<p>Gang Related Activity</p>	<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>	<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>• 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>• Before and/or after-school detention</li> <li>• Denial of participation in class and/or school activities</li> <li>• Immediate exclusion by teacher</li> </ul>
<p>Habitual Violation of School Rules or Policies</p>	<p>A student will not persistently, as defined by the county, refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.</p>	<ul style="list-style-type: none"> <li>• Denial of participation in class and/or school activities</li> <li>• Immediate exclusion by teacher</li> </ul>

Behaviors	Definitions – Level 2	Interventions and Consequences
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.	<p>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>)</p> <ul style="list-style-type: none"> <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 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> <li>• The principal and/or superintendent may recommend placement in an Alternative Education program.</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</li> </ul>
Leaving School Without Permission	A student will not leave the school building, campus or school activity for which the student is enrolled without permission from authorized school personnel.	
Physical Fight Without Injury	A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons.	
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.	
Possession of Knife not meeting Dangerous 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.	

Behaviors	Definitions – Level 2	Interventions and Consequences
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.	considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.
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.	

Behaviors	Definitions – Level 3	Interventions and Consequences
<p><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 West Virginia Code <a href="#">§ 18A-5-1a, subsections (b) through (h)</a></p>		
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> </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.	
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.	

Behaviors	Definitions – Level 3	Interventions and Consequences
Improper or Negligent Operation of a Motor Vehicle	A student will not intentionally or recklessly operate a motor vehicle on the grounds of any educational facility, parking lot, or at any school-sponsored activity so as to endanger the safety, health or welfare of others.	<ul style="list-style-type: none"> <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.</li> <li>• The principal and/or superintendent may recommend placement in an Alternative Education program.</li> <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> .	
Sexual Misconduct	A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature or commit an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event.	
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.	

Behaviors	Definitions – Level 3	Interventions and Consequences
Harassment/ Bullying/ Intimidation	<p>A student will not bully/intimidate/harass another student. According to West Virginia Code <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>Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff or public guest). Such action for students may include all options listed above. Actions for staff may include, but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include, but not be limited to, removal from school property and school-sponsored functions, notification of law enforcement and/or human services.</p>

Behaviors	Definitions – Level 3	Interventions and Consequences
	<p>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> <li>• 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</li> <li>• creating an intimidating, hostile or offensive employment or educational environment.</li> </ul> <p>Amorous relationships between county board employees and students are prohibited.</p> <p>Sexual harassment may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• verbal harassment of a sexual nature or abuse;</li> <li>• pressure for sexual activity;</li> <li>• inappropriate or unwelcome patting, pinching or physical contact;</li> <li>• 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;</li> <li>• behavior, verbal or written words or symbols directed at an individual</li> </ul>	

Behaviors	Definitions – Level 3	Interventions and Consequences
	<p>because of gender; or</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p><u>Racial harassment</u> consists of physical, verbal or written conduct relating to an individual’s race when the conduct:</p> <ul style="list-style-type: none"> <li>• has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;</li> <li>• has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance; or</li> <li>• otherwise adversely affects an individual’s employment or academic opportunities.</li> </ul> <p><u>Religious/ethnic harassment</u> consists of physical, verbal or written conduct which is related to an individual’s religion or ethnic background when the conduct:</p> <ul style="list-style-type: none"> <li>• has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;</li> <li>• has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance; or</li> <li>• otherwise adversely affects an individual’s employment or academic opportunities.</li> </ul> <p><u>Sexual violence</u> is a physical act of aggression or force or the threat thereof which involves the touching of another’s intimate parts or forcing a person to touch any person’s intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:</p>	

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>	
Imitation Drugs: Possession, Use, Distribution or Sale	A student will not possess, use, distribute or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance.	The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law
Inhalant Abuse	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.	

Behaviors	Definitions – Level 3	Interventions and Consequences
Possession/Use of Substance Containing Tobacco and/or Nicotine	<p>A student will not unlawfully possess, use or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county school district.</p> <p><u>Special considerations</u> according to West Virginia Code <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>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>.</p>

Behaviors	Definitions – Level 4
<p><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, 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></p>	
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	<p>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>.</p> <p>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.</p>

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

As required by [20 USC 7912 Title IX, Part E, Section 9532](#) (No Child Left Behind), the following criteria is set forth to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated inappropriate behaviors will be collected using the WVEIS in order to identify and classify a school as persistently dangerous. A West Virginia public school will be classified as a Persistently Dangerous School on or before August 1 of each year if the school has, for two consecutive years, substantiated Level 4 behaviors that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment:

- Battery on a school employee as defined in West Virginia Code [§ 61-2-15](#).
- Commission of an act that would constitute a felony under the laws of the state on the premises of an educational facility, at a school-sponsored function or on a school bus.
- Possession of a firearm or deadly weapon as defined in West Virginia Code [§ 61-7-2](#) on the premises of an educational facility, at a school-sponsored function or on a school bus.
- Sale of a narcotic drug as defined in West Virginia Code [§ 60A-1-101](#) on the premises of an educational facility, at a school-sponsored function or on a school bus.

Requirements Related to Persistently Dangerous Schools:

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

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

### Procedures For Reporting Complaints of Inappropriate Behavior.

If incidents of inappropriate behavior are witnessed by school staff, the behavior shall be address consistently in accordance with the interventions and consequences outlined in this policy and with school implementation plans. Inappropriate behaviors observed by students or public guests must be reported to the appropriate personnel for appropriate action to be taken as specified in this policy and school implementation plans. The school principal or designated individual(s) identified by school implementation plans shall receive complaints about inappropriate behaviors indicated in this policy. The school principal or designated individual(s) shall investigate such complaints and shall take appropriate action as specified in this policy and school implementation plans. The Board assures that any person who believes he or she has been the victim of an inappropriate behavior as outlined in this policy, or any person with knowledge or belief of conduct which may constitute a violation of Policy 4373, is afforded mechanism to report the alleged acts immediately to the appropriate official(s) designated by this policy and school implementation plans. In the event the school principal or other individual(s) identified by school implementation plans is readily available to receive a complaint, a complaint may be made to the Superintendent's office.

The Superintendent shall designate an appropriate administrator or outside investigator to investigate any alleged failure of an employee to appropriately respond to violations of Policy 4373. The designated employee or outside investigator shall prepare a written report that outlines the outcome of the investigation. In the event it is determined that an employee is guilty of a failure to appropriately respond, investigate to or report violations of Policy 4373, the employee shall be subject to disciplinary action, up to and including the termination of employment. If it is determined that the conduct of the employee amounts to unsatisfactory performance, the deficiency shall be noted in an observation and evaluation in accordance with West Virginia Board of Education Policy 5310 - Performance Evaluation of School Personnel in a manner that promotes understanding and respect.

Retaliation or reprisal against any person who reports alleged violations of Policy 4373 who testifies, assists or participates in an investigation, proceeding or rearing related to inappropriate behaviors shall constitute misconduct. Employees shall be subject to disciplinary action, up to and including employment termination. Students who engage in such misconduct shall be guilty of intimidation and shall be subject to disciplinary action in the provisions of this policy.

### Out-of School Suspension and Expulsions - Due Process Requirements.

If the principal determines that the alleged actions of the student would be grounds for an out-of-school suspension, he or she shall conduct an informal hearing for the student immediately after the alleged actions have occurred. The hearing shall be held before the student is suspended unless the principal believes that the student's continued presence poses a continuing danger to persons or property or an ongoing threat of disruption, in which case the student shall be suspended immediately and a hearing held as soon as practicable after the suspension. The student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds

for the out-of-school suspension. At the informal hearing, the principal shall ask the student to admit to or deny the charges. If the student does not admit the charges, he or she shall be given an explanation of the evidence and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the student to appear, the principal may suspend the student for a maximum of ten (10) school days, inclusive of any time the student was excluded from the school prior to the hearing. The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail.

Upon such recommendation by the county superintendent that a student be expelled or suspended, the county board shall conduct a hearing in accordance with West Virginia Code § 18A-5-1a to determine if the student committed the alleged violation. The county board shall issue written notice which states the charges and the recommended disposition to be served upon the student and his or her parent(s), guardian(s) or custodian(s). The notice shall include: The date and time at which the hearing shall be held (within ten (10) days of the beginning of the suspension); if the Board will attempt to establish the student as a dangerous student, the notice must state this intention and include any evidence which will be used to assert this claim. The Board shall hold the scheduled hearing to determine if the student should be reinstated or expelled from school and to determine if the student is a dangerous student. At any hearing before the Board, the student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross-examine witnesses supporting the charge against him or her. The hearing shall be recorded by mechanical means unless recorded by a certified court reporter. The hearing may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing. At the conclusion of the hearing the Board shall either: (1) order the student reinstated immediately at the end of his or her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of the county.

If the Board did not intend, prior to a hearing, to assert a dangerous student claim and did not notify the student prior to the hearing that a dangerous student determination would be considered and determines, through the course of the hearing, that the student may be a dangerous student, the Board shall schedule a second hearing within ten (10) days to decide the issue. The hearing may be postponed for good cause shown by the student, but he or she remains under suspension until after the hearing.

No student who has been suspended or expelled from a public school in West Virginia or another state may be denied enrollment unless the student is determined to be a “dangerous student” under the procedures prescribed by West Virginia Code § 18A-5-1a. The Superintendent may determine appropriate educational placement for such students, including alternative educational services.

Review Schedule. This policy shall be reviewed in accordance with the policy review schedule published by the Superintendent.

**Legal Authority: West Virginia Board of Education Policy 4373**

**Board Adoption: July 21, 2014**