

Student Code of Conduct

1.0 General:

- 1.1 Scope - This rule sets the requirements for the conduct of students in Monroe County Schools in order to assure a nurturing and orderly, safe, drug-free violence-and harassment-free learning environment that supports student academic achievement and personal-social development.
- 1.2 Authority - WV State Board of Education Policy 4373, WV Constitution, Article XII, §2, and WV Code §16-9A-4; 16-9A-9; 17A-1-1; 18-2-5; 18-2-5a; 18-2-7b; 18-2-9; 18-2-33; 18-2C-1 et seq., 18-5-1; 18-5-13; 18-16-1; 18A-1-1; 18A-5-1; 18A-5-1a; 60A-1-101; 60A-7-11a; 61-2-15; 61-7-2; and 61-7-11a.
- 1.3 Effective Date - August 6, 2003
- 1.4 Repeal of Former Rule. - This policy replaces Monroe County Student Code of Conduct adopted July 1, 2001. This policy is to be read in conjunction with JG-1 Sexual Harassment Policy; GBEA-1 Anti-Hazing Policy; GBEA-2 Harassment/Violence Based on Ethnicity/Religioun/Age/Disability; GBEA-3 Racial Harassment/Violence. GBEA-4/JG-5 Bullying and Harassment, JFCA Student/Staff Dress Code Policy; IIGB Acceptable Use of Internet Policy and WV State Board of Education 4372, “Student Handbook - Student Rights and Responsibilities”.
- 1.5 This policy does not supercede any rights granted to special education students by the federal provisions of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997)Public Law 105-17), or with WV Code §126CSR16, WV Board of Education Policy 2419, *Regulations for the Education of Exceptional Students*, or other West Virginia Board of Education policy.

2.0 Purpose.

The Monroe County Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a nurturing and orderly, safe, and stimulating educational environment. The purpose of these regulations is to provide Monroe County with a policy of student conduct that will ensure an orderly and safe environment that is conducive to learning. Monroe County’s schools must respond immediately and consistently to incidents of harassment, intimidation, bullying, substance abuse and/or violence or other Student Code of Conduct violations in a manner that effectively deters future incidents and affirms respect for individuals. Each school, in conjunction with the Board of Education, will implement prevention

and response programs, outline investigatory and reporting procedures, and delineate penalties for violations of this policy.

The Monroe County Board of Education believes further that schools should undertake proactive, preventive approaches to ensure a nurturing and orderly and safe school environment that fosters learning and personal-social development. Public schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive program supported by everyone in the school organization, as well as parents/guardians and the community. Any form of harassment, intimidation, bullying, substance abuse, violence, or other policy violation is unacceptable in Monroe County schools.

Monroe County Schools, in compliance with state mandate, will establish four levels of Student Code of Conduct violations and progressively severe consequences for each level. Each school shall identify the individual who will receive complaints of violations. Specifically established procedures are to be followed when any staff member observes any of the violations. Staff members are **required** (in accordance with the Professional Code of Conduct) to report observances of violations. Schools, in accordance with developed guidelines, will reclassify specific violations one classification or more higher (excluding Level IV) based upon the repetition by a student.

3.0 Code of Conduct

All students enrolled in Monroe County shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.

- 3.1. Students will help create an atmosphere free from bullying, intimidation, and harassment.
- 3.2. Students will demonstrate honesty and trustworthiness.
- 3.3. Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.
- 3.4. Students will demonstrate responsibility, use self-control and be self-disciplined.
- 3.5. Students will demonstrate fairness, play by the rules, and will not take advantage of others.
- 3.6. Students will demonstrate compassion and caring.

- 3.7 Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

4.0 Application

These regulations apply to all students attending public schools in Monroe County during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by a county board of education, RESA or state department of education, or in another facility being used by any of those agencies.

- 4.1 Students who do not behave in a manner that promotes a nurturing, orderly, safe environment conducive to learning will be subject to the Levels of Response to Violations as outlined.
- 4.2 This policy does not supercede any rights granted to special education students by Federal or State law or other West Virginia Board of Education policy.
- 4.3 Individuals responsible for ensuring the application of this policy at each level include the superintendent and the building principals and their designees. All violations must be reported to the building principal or the superintendent.

5.0 Plan for Implementation

Establishing a safe environment requires a comprehensive program supported by everyone in the school system, parents/guardians, students, and the community. This environment must exist in all places and activities which are a direct or indirect activity of the school system such as school buses, other schools, field trips, and any school-sponsored or related event.

- 5.1 By July 1, 2003 each school shall develop or revise its existing policies to address all forms of Student Code of Conduct violations. This document represents the minimum components needed in a Student Code of Conduct.
- 5.2 To ensure understanding of the Student Code of Conduct, each of Monroe County Schools must develop and implement an education program for each grade level, as well as a program for all faculty and staff. The programs, at a minimum, must raise awareness of:
 - 5.2.1 the different types of Student Code of Conduct violations,

- 5.2.2 how violations are manifested,
- 5.2.3 their devastating emotional and educational consequences, and their potential legal consequences.
- 5.3 In addition, multicultural education programs must be developed and implemented for faculty, staff, and students to foster an attitude of understanding and acceptance of all individuals.
- 5.4 On the school level, individual grade level teachers in grades K-4 will be responsible for teaching the student code of conduct. At the 6-8 level, schools will determine which teacher/subject area will be the individual responsible for teaching the student code of conduct. At the high school level, 9-12, the advisor/advisee program shall be the time slot for the teaching of the student code of conduct, with individual teachers who serve as advisors responsible for providing instruction to students.

6.0 Attendance Policy

The Monroe County Board of Education emphasizes the value of regular attendance in enabling students to benefit from the school's education programs. Monroe County Schools Policy JED (Attendance Policy) places responsibility on students to attend school on a daily basis, and on each parent or guardian to send his/her child(ren) to school on a daily basis.

- 6.1 Recognizing that frequent absences and tardiness, for any reason, are certain to adversely affect the student's schoolwork, each school shall enforce Monroe County Policy JED, Student Attendance Policy, in order to communicate the expectation that students will be in school every day except when illness, injury, or some providential condition beyond the student's control prevents attendance.

7.0 Violations of the Student Code of Conduct

This policy classifies student violations of the Student Code of Conduct in four levels. WV Code requires that the principal shall suspend a student who commits a violation classified as a Level IV in this policy. Level III and IV violations are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct. School policies should identify interventions that include, but are not limited to, examples provided in this policy to address Level I and II violation/s. Each school shall identify the individual who will receive complaints of violations of the Student Code of Conduct, and develop a procedure for acting upon those complaints. The specific procedures to be followed when any staff member observes any violations outlined in this policy should be outlined in school policies.

7.1. Level I Violations

- 7.1.1 Anti-Social Conduct. A student will not orally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward another student that causes embarrassment, discomfort, or a reluctance to participate in school activities.
- 7.1.2 Disorderly Conduct. A student will not harass another student or other person or misbehave in a manner that causes disruption or obstruction to the education process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another person, constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.
- 7.1.3 Improper Operation of a Motor Vehicle. A student will not engage in improper parking of a motor vehicle on school property.
- 7.1.4 Inappropriate Displays of Affection. Students will not engage in inappropriate displays of affection, such as kissing or embraces of an intimate nature.
- 7.1.5 Inappropriate Dress and Grooming. 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 any drug-alcohol- or tobacco-related product that is prohibited in school buildings, on school grounds, in school-leased or owned vehicles, and at all school-affiliated functions. [See Monroe County Policy JFCA Staff/Student Dress Code.]
- 7.1.6 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. Additionally, extremely valuable property cannot be secured at school. Items of value are brought to school at the student's own risk.
- 7.1.7 Tardiness. A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.

- 7.1.8 Technology Abuse. A student will not violate the terms of Monroe County Acceptable Use Policy for use of Internet or other electronic information.
- 7.1.9 Truancy. In accordance with Monroe County Policy JED (Attendance Policy) 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.

7.2. School Responses to Level I Violations

- 7.2.1 All violations of this policy shall be reported to the principal or the principal designee. Each school will develop procedures for acting upon the complaints.
- 7.2.2 School administrators and staff may use appropriate intervention strategies, including, but not limited to, staff and student/parent conferences, auxiliary staff intervention and counseling programs, student programs for conflict resolution and peer mediation, and programs for anger management and violence prevention.
- 7.2.3 Any of the following intervention strategies and disciplinary actions may be used as appropriate in response to the violation:
 - A. Teacher/student conference and/or reprimand
 - B. Grade Level Team/student conference and/or reprimand
 - C. Administrator/student conference or reprimand
 - D. Administrator and teacher-parent/guardian conference
 - E. Referrals and conference to support staff or agencies
 - F. Daily/weekly progress reports
 - G. Behavioral contracts
 - H. Change in student's class schedule
 - I. Consequence as dictated by other pertinent policy (i.e. Internet use)
 - J. School service assignment
 - K. Confiscation of inappropriate item
 - L. Restitution/restoration
 - M. Before and/or after-school detention
 - N. Denial of participation in class and/or school activities
 - O. Immediate exclusion by teacher from one class period of school day
 - P. Weekend detention
 - Q. In-school suspension
 - R. Out-of-school suspension for up to three days

S. Law enforcement notification

- 7.3 Repetition of Level I Offenses shall warrant increased consequences, up to and including having the offense be considered as a Level III violation with its subsequent consequences.
- 7.4 Level II Violations
- 7.4.1 Bullying/Harassment/Intimidation. A student shall not bully/intimidate/harass another student. According to Monroe County Policy JG-5, “harassment, intimidation or bullying” means any intentional gesture, or any intentional written, verbal or physical act or threat that: (a) a reasonable person under the circumstances should know will have the affect of: (1) Harming a student; (2) Damaging a student’s property; (3) Placing a student in reasonable fear of harm to his or her person; or (4) Placing a student in reasonable fear of damage to his/her property; or (b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.
- 7.4.2 Cheating/Academic Misconduct. A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. The response to violations under this section may include academic sanctions in addition to other discipline.
- 7.4.3 Failure to Serve Assigned Detention: A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.
- 7.4.4 False Identification. A student will not use another person’s identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money, property or privilege.
- 7.4.5 Fighting. Any physical altercation between one or more students.
- 7.4.6 Forgery. A student will not sign the name of another person for the purpose of defrauding school personnel or the Board of Education.
- 7.4.7 Fraud. A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.
- 7.4.8 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.

- 7.4.9 Gang Activity. 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 education mission.

Gang activity includes:

- A. Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.
- B. Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang.
- C. Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.
- D. Recruiting student(s) for gangs.

- 7.4.10 Insubordination/Unruly Conduct. A student will not ignore or refuse to comply with directions or instructions given by school authorities. Failure to open a book, write 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, failing 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.

- 7.4.11 Lack of Preparation for Class or Assignments. Students shall come to class prepared, with items needed for class, and with assignments completed.

- 7.4.12 Leaving School Without Permission. A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

- 7.4.13 Loitering. A student will not remain or linger on school property without a legitimate purpose and/or proper authority.

- 7.4.14 Profane Language. Profane language directed at a teacher is considered a Level III violation. Profane or obscene language used in public is prohibited.
- 7.4.15 Theft or Possession of Stolen Property. A student will not, without permission of the owner or custodian of the property, take property or have in his/her possession property valued less than \$100.00 which does not belong to the student.
- 7.4.16 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. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.
- 7.5 School Responses to Level II Violations. [The school may modify this list in accordance with alternatives available at the school site, such as conflict resolution or peer mediation programs.] Intervention strategies may include, but are not limited to, the following intervention strategies and disciplinary actions:
- 7.5.1 Any Level I response
- 7.5.2 Out-of-School Suspension for up to ten (10) days
- 7.6 Repetition of Level II Offenses shall warrant increased consequences, including having the offense be considered as a Level III violation with its subsequent consequences.
- 7.7 Level III Violations. Violations in the Level III category are consistent with those addressed in WV Code §18A-5-1a (c) and shall be reported immediately to the principal of the school in which the student is enrolled. The principal will address the violation following the procedures outlined in WV Code §18A-5-1a, subsections (d) through (h).
- 7.7.1. Alcohol. A student will not possess, distribute or be under the influence of alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function.
- 7.7.2 Injury or Threat of Injury. A student will not commit battery by intentionally making physical contact of an insulting or provoking nature with another student or by threatening such physical contact.

- 7.7.3 Defacing School Property. 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.
- 7.7.4. Disobeying a Teacher in a Willful Manner. A student will not willfully disobey any school authority. (This is a much more serious violation than 7.4.10 and involves defiance in the face of a direct order.)
- 7.7.5. 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.
- 7.7.6. 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.
- 7.7.7 Profane Language. A student will not use profane language directed at a school employee. Using profane language may include, but is not limited to, verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school employee.
- 7.7.8 Theft. A student will not, without permission of the owner or custodian of the property, take property or have in his/her possession, property valued at between \$100 and \$999.
- 7.7.9 Tobacco. In accordance with Monroe County School Policy JFCG-1 Tobacco Control Policy, a student will not smoke, use tobacco, or possess any substance containing tobacco in any building/area under the control of a county school system, including all activities or events sponsored by the county school district.

7.7.10 Deliberate Misleading Behavior - A student shall not behave in such a manner, or use otherwise harmless items, to imitate, mislead, or otherwise deliberately cause others to believe that the afore-mentioned student is using an illicit controlled substance, or is in the possession of objects that would bring harm to him/herself or others.

7.7.11 Possession of Pocket Knife - A student shall not have in his/her possession a pocket knife with a blade of less than 3.5 inches. (A blade of greater than 3.5 inches is a deadly weapon and is covered in 7.9.4 of this policy.) Note that a pocket knife used as a weapon shall be considered a Level IV offense regardless of the size of the blade; however, possession shall be considered a Level III offense

7.7.12 Violation of School Rules or Policies. A student will not habitually, as defined by the county, violate school rules or policies.

7.8. School Responses to Level III Violations.

7.8.1 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 pursuant to WV Code §18A-5-1(d) has committed any of the Level III violations.

7.8.2 If a student has been suspended pursuant to WV Code §18A-5-1a(c), the principal may request that the superintendent recommend to the county board that the student be expelled following the provisions in subsections (e) through (l) of WV Code §18A-5-1a.

7.8.3 Any school responses to Level I and II violations, in addition to an assignment to the Tobacco School.

7.8.4 Agency notification, such as DHHR.

7.9 Level IV Violations. Violations in the Level IV category are consistent with those addressed in WV Code §18A-5-1(a) and (b). Level IV violations in this policy are aligned with definitions in WV Code §§61-6-17, 61-6-24, 18A-5-1, and in the Gun-Free Schools Act of 1994 (the reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), Public Law 103-382, and require that the principal of the school in which the student is enrolled shall address the violation following the procedures outlined in WV Code §18A-5-1(a) and (b).

- 7.9.1 Battery on 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 WV Code §61-2-15(b).
- 7.9.2 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 WV Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (WV Code §61-3-1), ~~assault~~ **and** battery (WV Code §61-2-9), bomb threat (WV Code §61-6-17), sexual assault (WV Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (WV Code §61-6-24), burglary (WV Code §61-3-11), robbery (WV Code §61-2-12), unlawful wounding and malicious wounding, and grand/~~petit~~ larceny (WV Code §61-3-13).
- 7.9.3 Possession of a Controlled Substance. According to WV Code §18A-5-1a(b) (ii), a student will not possess, distribute, or be under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in WV Code §60A-1-101, et seq., on the premises of an educational facility at a school-sponsored function or on a school bus.
- 7.9.4 Possession of a Firearm or Deadly Weapon. According to WV Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in WV Code §61-7-2, on any school bus as defined in WV Code §17A-1-1, or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in WV Code §61-7-11a.

As defined in WV Code §61-7-2, a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, switchblade knife, nunchuka, metallic or false knuckles, pistol or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

- 7.9.5 Sale of a Narcotic Drug. According to WV Code §18A-5-1a, a student will not sell a narcotic drug, as defined in WV Code §60A-1-101, on the

premises of an educational facility, at a school-sponsored function or on a school bus.

- 7.10 School/County Responses to Level IV Violations. Level IV violations in this policy are those violations addressed in WV Code §18A-5-1a that require the mandatory suspension of the student by the principal from school, or from transportation to or from the school on any school bus, after an informal hearing pursuant to subsection (d) of WV Code §18A-5-1a.
- 7.10.1 If a student has been suspended pursuant to WV Code §18A-5-1a, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.
- 7.10.2 Upon such request of the superintendent by a principal, the county superintendent shall recommend to the county board that the student be expelled.
- 7.10.3 Upon such recommendation to the county board by the superintendent, the county board shall conduct a hearing in accordance with WV Code §18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student.
- 7.10.4 Students may be expelled pursuant to WV Code §18A-5-1a for a period not to exceed one full year, provided that a county superintendent may lessen the mandatory one-year period of expulsion if the circumstances of the pupil's case demonstrably warrant such a reduction following the guidelines provided in WV Code §18A-5-1a (i).
- 7.10.5 A county board of education that expels a student, may attempt to establish the student as a "dangerous student" as defined in WV Code §18A-5-1a, at a hearing to determine the expulsion of the student. In a notice to the parent/guardian, the county board shall state clearly whether the board will attempt to establish the student as a "dangerous student" and will include any evidence to support its claim in this notice of the hearing date and time.
- 7.10.6 WV Code §18A-5-1a defines a "dangerous student" as a student who is substantially likely to cause serious bodily injury to himself, herself or another individual within that student's educational environment, which may include any alternative education environment as Monroe County

Alternative Education Policy (Policy IGBH), as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense.

- 7.10.7 A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education pursuant to the conditions outlined in WV Code §18A-5-1a but must re-evaluate this decision at least every three months.

8.0 Guidelines for Suspension and Expulsion.

Suspension is considered a temporary solution to a violation of the Student Code of Conduct until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days. A student is entitled to an informal hearing when faced with a suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why she/he should not be suspended. However, a student whose conduct is detrimental to the progress and general conduct of the school may be suspended immediately and a hearing held as soon as practical after the suspension. A student may not participate in any school-sponsored activities, or be permitted on school grounds during the period of suspension without permission of school officials. Other procedures the school must follow when dealing with suspensions are outlined in WV Code §18A-5-1 and §18A-5-1a.

- 8.1 A suspension of more than ten (10) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with suspensions of more than ten (10) days are outlined in WV Code §18A-5-1 and §18A-5-1a.
- 8.2 The county superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in WV Code §18A-5-1 and §18A-5-1a.
- 8.3 WV Code §18A-5-1 and §18A-5-1a require mandatory suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly weapon, assault battery of a school employee, or sale of a narcotic drug.

Procedures that must be followed when dealing with an expulsion are outlined in WV Code §18A-5-1 and §18A-5-1a.

- 8.4 According to WV Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who: is guilty of disorderly conduct; interferes with an orderly education process; threatens, abuses, intimidates or attempts to intimidate a school employee or student; willfully disobeys a school employee; or uses profane or abusive language toward a school employee. Once a student is excluded from the classroom or bus, the student must be referred to the principal, who will take disciplinary action, notify the parent/guardian in writing of the disciplinary action taken, and provide a copy to the teacher or bus driver before the student is readmitted to class or to the bus.

9.0 Complaint Procedures

All violations of the Student Code of Conduct observed by school employees or by students must be reported to the appropriate personnel for appropriate action to be taken as specified in this policy. Employee failure to report a violation may be addressed through Monroe County Policy GCN/GDN (Performance Evaluation of School Personnel), W. Va. Code §126CSR142, West Virginia Board of Education Policy 5310, *Performance Evaluation of School Personnel*. Failure can be punishable by disciplinary action against the employee of up to and including suspension without pay, or dismissal for neglect of duty.

- 9.1 The principal and his/her designee shall be the person(s) responsible for receiving oral and written reports of violations of the Student Code of Conduct. All violations observed by school employees or by students must be reported to the principal or his/her designee for appropriate action to be taken as specified in this policy.
- 9.1.1 Nothing in this policy shall prevent any person from reporting violations directly to the county superintendent, as appropriate, or to the WV Human Rights Commission or to a law enforcement agency.
- 9.2 Investigations of reported violations shall be conducted by the building principal or designee at the school where the incident took place, or by the Transportation Coordinator in the case of incidents occurring on the school bus. In all cases, investigations shall be conducted in a manner that promotes understanding and respect.
- 9.3 Individuals who fail to conduct investigations appropriately may be subject to disciplinary action or to corrections through Monroe County Policy GCN/GDN (Performance Evaluation of School Personnel.)

10.0 Investigation Procedures

The individual(s) designated by the school to investigate, shall upon receipt of a report or complaint immediately undertake or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system, in accordance with this policy and the procedures developed pursuant to this policy.

- 10.1 The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator. When any student is to be interviewed in connection with an investigation pursuant to a Level ~~III~~ or IV violation, a reasonable effort shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview. Parental notification is encouraged at Level III and discretionary at Levels I and II.
- 10.2 The principal shall immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.
- 10.3 The principal shall determine whether the alleged conduct constitutes a violation of this policy or WV Code §18A-5-1a
- 10.4 In determining the appropriate response and/or punishment for a Level I, II, or III violation, the principal, superintendent or Monroe County Board of Education should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- 10.5 The investigation will be completed as soon as practicable but no later than ten school days following the reported violation, unless permission has been requested and granted by the WV Department of Education to extend the investigation period. The investigator 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. Copies of all disciplinary action shall be forwarded to the office of the superintendent. Reports of the investigation must be kept on file by the principal or designee and shall be forwarded to the office of the superintendent only in the case of Level IV offenses.

- 10.6 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.
- 10.7 Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

11.0 County Board of Education Action and Reporting

Upon receipt of a report substantiated by staff observation or by the investigation, the principal, superintendent or local board of education will take appropriate action against those found to have violated this policy and §18A-5-1a.

- 11.1 The principal or superintendent shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with the Board's plan developed pursuant to this policy.
- 11.2 The principal, superintendent or designee shall immediately file a report with the WV Department of Education of all substantiated reports of Level III and IV violations of the Student Code of Conduct. An internal record of all Level I and II substantiated reports must be kept in the principal's office.

12.0 Reprisal

No student or employee may retaliate 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. Retaliation by an employee or student shall warrant disciplinary action. Further, disciplinary action shall be taken against a student, employee, administrator or other school personnel who falsely report violations of this policy.

13.0 Right to Alternative Complaint Procedures

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

14.0 Dissemination of Policy and Training

This policy or a summary shall be conspicuously posted throughout each county's school's facilities in areas accessible to students and staff members. At the least, a summary shall be posted in each classroom.

- 14.1 This policy, or a summary, shall appear in the student handbook and if no handbook is available, a copy will be distributed to all students, faculty, staff and parents.
- 14.2 When a student enters middle/junior high/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 policy and consequences associated with violations. These contracts shall be maintained by the home room teacher or advisor as the case may be.
- 14.3 Each school will develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy. The county shall review their policy at least bi-annually for compliance with state and federal law and WV Board of Education Policy.

Strategies the county office and school may employ to accomplish these requirements include but are not limited to:

- _____ 14.3.1 Discussing the policy with large student groups such as grade levels at the beginning of the school year and with smaller groups such as home rooms/advisory groups throughout the year emphasizing the different types of violations.
- _____ 14.3.2 Printing the policy or summary of the policy within the "Back to School" flyer that is distributed locally through the newspapers as well as provided to every student.
- 14.3.3 Printing the policy or summary of the policy in the student handbook and/or newspaper of each school.

- 14.3.4 Discussing the policy with support groups such as the PTA/PTO, Local School Improvement Council, booster groups, etc.
- 14.3.5 Providing pre-school staff development sessions for administrators, faculty and staff, emphasizing the types of violations, how they are manifested, how the violations impact the students and learning and the consequences for violating the Code of Conduct.
- 14.3.6 Posting the Student Code of Conduct on the school web page as well as posting the full policy on the county web page to make it accessible to students and parents.
- 14.3.7 Posting the Student Code of Conduct in areas accessible to students and staff members of each county/school facility. These areas may include, but are not limited to, commons areas, classrooms, office areas, hallways, gymnasiums and locker rooms.

15.0 Assessment of Effectiveness

The superintendent will prepare an annual report to the Monroe County Board of Education to include; reported and substantiated incidences of Code of Conduct violations; action taken in response to incidents; training and staff development offered by the schools or the county.

16.0 Assessment and Classification as a Persistently Dangerous School

Any school that has over 3.75% of its student body involved in Level III and IV violations will be designated a **persistently dangerous school** as required by H.R. 1, Title IX, Part E, Subpart 1 (9531) (No Child Left Behind).

- 16.1 Beginning with the 2003-04 school year, Monroe County Schools must provide targeted technical assistance to any school that has more than 3.0% of its students involved in violations of Level III and IV.
- 16.2 Beginning with the 2003-04 school year, the WV Department of Education requires that a student attending a Persistently Dangerous School, 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, be allowed to attend an alternate safe public school.

16.3 Beginning with the 2003-04 school year, should Monroe County have one or more schools identified as persistently dangerous schools, the county will notify parents of each student attending the school, offer the student the opportunity to transfer to a safe public school within the county (where possible) and for those students who accept the offer, complete the transfer of the student to the new school.

_____ 16.4 Beginning with the 2003-04 school year, should Monroe County have one or more schools identified as persistently dangerous, the county will develop a corrective action plan, submit that plan to the West Virginia Department of Education, and implement that plan in a timely manner in order to eliminate the status of “persistently dangerous.”

17.0 Prevention and Intervention Training

Personnel employed by Monroe County Schools shall attend training provided by The WV Department of Education, and RESAs, as well as training provided in the county that includes technical assistance in research-based, effective models for violence prevention education (including the prevention of bullying, harassment, and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer mediation, responsible students program, and character education. Training, technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop interventions to assure school success for these students.

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