



Book	Policy Manual
Section	Ready for the board - November 2024
Title	Special Update - Attendance, Areas of Shortage and Student Conduct - September 2024 Revised STUDENT CODE OF CONDUCT
Code	po5500
Status	
Legal	West Virginia Board of Education policy 4373
Cross References	po5600 - STUDENT DISCIPLINE po5605 - DISCIPLINE FOR SPECIAL EDUCATION STUDENTS po5610 - EXCLUSION FROM CLASSROOM OR SCHOOL BUS, SUSPENSION, AND EXPULSION OF STUDENTS po5610.04 - SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND EXCLUSION FROM SCHOOL BUS
Adopted	June 25, 2019
Last Revised	January 9, 2024
Last Reviewed	October 16, 2024

**Revised Policy - Special Update - September 2024**

**5500 - STUDENT CODE OF CONDUCT**

The purpose of this policy is to classify inappropriate student behavior and to provide schools with guidance that creates and ensures an orderly and safe environment that is conducive to teaching and learning.

**Student Code of Conduct**

Pursuant to West Virginia Board of Education policy 4373, the following behaviors have been identified and defined by the ~~District~~ **County** as those that will disrupt the educational process.

**[NOTE - SELECT ONE (1) OF THE FOLLOWING OPTIONS]**

**[OPTION 1 – probably current policy with some changes from policy 4373 prior to 2019 amendments**

The ~~District~~ **County** shall train staff **and advise students of expectations** regarding the following behaviors.

~~**Option 1**~~

**Level 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose a direct danger to self or others**

A. Cheating

A student shall not plagiarize or copy the work of others or break rules to gain advantage in a competitive situation. ~~Interventions for this inappropriate behavior may include academic sanctions in addition to other discipline.~~

B. Cell Phone Violation

A student shall adhere to classroom, school, or County rules or policies regarding the use of cell phones, tablets, or other electronic devices.

C. Deceit

A student shall not deliberately conceal or misrepresent the truth, deceive another, or cause another to be deceived by false or misleading information.

D. Disruptive/Disrespectful Conduct

A student shall not exhibit behavior that violates classroom/school rules, ~~and~~ results in distraction or 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.~~

E. Failure to Serve Detention

A student shall not fail to serve an assigned detention of which students and/or parents/guardians have been notified.

F. Falsifying Identity

A student shall not ~~provide 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.

G. Inappropriate Appearance

A student shall not dress or groom in a manner that is in violation of the County Board of Education's dress code policy. ~~A student shall 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 shall 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.~~

H. Inappropriate Display of Affection

Students shall not engage in inappropriate displays of intimate affection, such as kissing or embracing.

I. Inappropriate Language

A student shall not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group).

J. Possession of Inappropriate Personal Property

A student shall not possess personal property that is prohibited by school rules or that is disruptive to ~~the~~ educational process ~~teaching and learning~~.

K. Skipping Class\*

In accordance with West Virginia Board of Education policy 4110 - Attendance, a student shall 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.

L. Tardiness\*

A student shall not fail to be in his/her place of instruction at the assigned time without a valid excuse.

M. **Unauthorized Zone**

A student shall not be in a prohibited area of the school or campus.

N. **Vehicle Parking Violation**

A student shall not engage in improper parking of a motor vehicle on school property.

**Level 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm, danger, or educational detriment 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.**

**[NOTE: A District County may reclassify a Level 2 inappropriate behaviors, depending on the severity and repetition of behaviors, provided the reclassification assures the treatment of inappropriate behavior is consistent with State law.]**

A. **Disruptive/Disrespectful Conduct**

A student shall not exhibit behavior that violates classroom/school rules and results in distraction and/or obstruction of the educational process. Conduct is considered disruptive and disrespectful when the student fails to comply with redirection in a discourteous, rude, impolite, or bad-mannered way.

B. **Habitual Violation of School Rules or Policies**

A student shall not persistently refuse to obey the reasonable and proper orders or directions of school employees, school rules, or policies. Violations of school rules or policies shall be considered to be habitual when a student has had three (3) or more previous discipline referrals for such violations.

C. **Insubordination**

A student shall not ignore, refuse to comply with directions, or exhibit a general unwillingness to cooperate with instructions given by school authorities

~~Gang-Related Activity~~

~~A student shall 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 District's educational mission. Gang activity includes:~~

- ~~1. 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;~~
- ~~2. using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang;~~
- ~~3. gathering of two (2) or more persons for purposes of engaging in activities or discussions promoting gangs;~~
- ~~4. recruiting student(s) for gangs.~~

D. **Leaving School without Permission**

A student shall not leave the school building, campus, or school activity ~~for which the student is enrolled~~ without permission from authorized school personnel.

E. **Physical Fight without Injury**

A student shall not engage in a physical altercation using blows in an attempt to harm or overpower another person(s).

F. **Possession of Imitation Weapon**

A student shall not possess any object fashioned to imitate or look like a weapon.

G. Possession of Knife Not Meeting Dangerous Weapon Definition (WV Code 61-7-2)

A student shall not possess a knife or knife-like implement under three and one-half (3 1/2) inches in length. WV Code 61-7-2 clarifies that a pocket knife with a blade of three and one half (3 1/2) 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.

H. Profane Language/Obscene Gesture/Indecent Act Toward an Employee or a Student

A student shall not direct profane language, obscene gestures, or indecent acts towards a school employee or a fellow student. This includes, but is not limited to, verbal, written, electronic, and/or illustrative communications intended to offend and/or humiliate.

I. Technology Misuse

A student shall not violate the terms of West Virginia Board of Education policy 2460, Safety and Acceptable Use of the Internet by Students and Educators.

J. Reckless Conduct

A student shall not create an unsafe environment through actions that are not intentionally directed toward someone. Carelessly throwing a door open, or shoving a chair or other object that inadvertently strikes or nearly strikes another, would both be examples of reckless conduct.

**Level 3: Severely Disruptive, Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property.** Specific Level 3 behaviors are outlined in WV Code 18A-5-1a(c)\* and the principal shall address these inappropriate behaviors accordingly.

**[NOTE: A District County may reclassify a Level 3 inappropriate behaviors, depending on the severity and repetition of behaviors, provided the reclassification assures the treatment of inappropriate behavior is consistent with State law.]**

A. Battery Against a Student

A student shall not unlawfully and intentionally injure another student.

B. Disruptive/Defiant Conduct

A student shall not exhibit escalating behavior that violates classroom/school rules, resulting in distraction and obstruction of the overall educational process. Conduct becomes defiant when the student refuses to comply with any redirection and will not obey the directives they have been provided, responding in an aggressive or insubordinate manner.

C. Defacing School Property/Vandalism\*

A student shall 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.

D. False Fire Alarm

A student shall not knowingly and willingly set off a fire alarm without cause.

E. Fraud/Forgery

A student shall 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.

F. Gambling

A student shall 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.

#### G. Gang Related Activity

A student shall not, by use of violence, force, coercion, threat of violence of 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 County's educational mission. Gang activity includes:

1. using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang;
2. 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;
3. gathering of two (2) or more persons for purposes of engaging in activities or discussions promoting gangs;
4. recruiting student(s) for gangs.

#### H. Harassment/Bullying/Intimidation

A student shall not harass, intimidate, or bully as any intentional gesture, or any intentional electronic, written, verbal, or physical act, communication, transmission, or threat per WV Code 18-2C that:

1. a reasonable person should know will have the effect of harming a student, damaging a student's property, placing a student in reasonable fear of him to his/her person, and/or placing a student in reasonable fear of damage to his/her property;
2. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive educational environment for a student; or
3. disrupts or interferes with the orderly operation of the school and/or educational process.

An electronic act, communication, transmission, or threat includes, but is not limited to, one which is administered via telephone, computer, pager, or any electronic or wireless device and includes, but is not limited to, the transmission of any image or voice, email, or text message using any such device.

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 (1) 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.

When harassment, intimidation, or bullying are of a racial, sexual, and/or religious/ethnic nature, the above definition applies to all cases whether or not they involve students, staff, or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:

##### 1. Sexual Harassment

Sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education; or submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education by creating an intimidating, hostile, or offensive employment or educational environment.

Amorous relationships between county board of education employees and students are prohibited, pursuant to W. Va. Code §61-8B-11b.

##### 2. Racial Harassment

Physical, verbal, or written conduct relating to an individual's race when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or otherwise

adversely affects an individual's academic opportunities.

### 3. Religious/Ethnic Harassment

Physical, verbal, or written conduct related to an individual's religion or ethnic background when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment.

### 4. Sexual Violence

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: touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts; coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or; threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

### 5. Racial Violence

Physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

#### I. Habitual Violation of School Rules to Policies\*

~~A student shall not persistently, as defined by the District, refuse to obey the reasonable and proper orders or directions of school employees, school rules, or policies. A student must have had one or more discipline referrals.~~

#### J. Hazing

A student shall 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(s) to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition of continued membership in, any activity or organization, including both co-curricular and extra-curricular activities (see Policy 5516).

#### K. Insubordination\*

~~A student shall 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.~~

#### L. Imitation Drugs: Possession, Use, Distribution, or Sale

A student shall not possess, use, distribute, or sell any substance that is expressly represented or implied to be a controlled substance or to simulate the effect and/or the appearance (color, shape, size, and markings) of a controlled substance.

#### M. Improper or Negligent Operation of a Motor Vehicle

A student shall 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.

#### N. Inhalant Abuse

A student shall not deliberately inhale or sniff common products found in homes, schools, and communities with the purpose of intoxication. The action may be referred to as huffing, sniffing, dusting, and/or bagging.

#### O. Larceny

A student shall not, without permission, take another person's property or have another person's property in his/her possession. Property valued at \$1,000 or more shall increase this behavior to a Level 4 because it is considered a

felony in accordance with WV Code 61-3-13.

P. Possession/Use of Substance Containing Tobacco and/or Nicotine

A student shall not 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. This includes any electronic cigarette or vaporizing device; regardless of whether or not it contains nicotine.

Q. Physical Altercation\*

A student shall not engage in a physical altercation with another person(s).

R. Profane Language/Obscene Gesture/Indecent Act toward an Employee or a Student\*

A student shall 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, writing, electronic, and/or illustrative communications intended to offend and/or humiliate

S. Sexual Misconduct

A student shall not publicly and indecently expose themselves, display or transmit any drawing or photograph any sexually explicit media including, but not limited to, drawings, photographs, animations, or videos 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.

T. Threat of Injury/Assault against an Employee or a Student

A student shall 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 WV Code 61-2-15.)

U. Trespassing

A student shall not enter upon the premises of District County property, other than to the location to which the student is assigned, without authorized authorization from proper school authorities.

V. Harassment/Bullying/Intimidation

A student shall not bully/intimidate/harass another student. According to WV Code 18-2C-2, "harassment, intimidate, or bullying" means any intentional gesture, or any intentional electronic, writing, verbal, or physical act, communication, transmission, or threat that:

1. 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/her person, and/or placing a student in reasonable fear of damage to his/her property;
2. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive educational environment for a student; or
3. disrupts or interferes with the orderly operation of the school.

An electronic act, communication, transmission, or threat includes but is not limited to one (1) 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.

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 (1) 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 (see District County Policy 5517.01).

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:

1. Sexual harassment 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:
  - a. 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
  - b. 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
  - c. creating an intimidating, hostile, or offensive employment or educational environment.
2. Amorous relationships between District County employees and students are prohibited.
3. Sexual harassment may include but is not limited to:
  - a. verbal harassment of a sexual nature or abuse;
  - b. pressure for sexual activity;
  - c. inappropriate or unwelcome patting, pinching, or physical contact;
  - d. 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;
  - e. behavior, verbal, or written words or symbols directed at an individual because of gender; or
  - f. the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate/culture, or opportunities.
4. Racial harassment consists of physical, verbal, or written conduct relating to an individual's race when the conduct:
  - a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - c. otherwise adversely affects individual's employment or academic opportunities.
5. Religious/Ethnic harassment consists of physical, verbal, or written conduct which that is related to an individual's religion or ethnic background when the conduct:
  - a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - c. otherwise adversely affects an individual's employment or academic opportunities.
6. Sexual violence is a physical act of aggression or force or the threat thereof which that 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:
  - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;



- b. ~~coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;~~
  - c. ~~coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;~~
  - d. ~~threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or~~
  - e. ~~threatening or forcing exposure of intimate apparel or body parts by removal of clothing.~~
7. ~~Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.~~
8. ~~Religious/Ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.~~

**Q. ~~Imitation Drugs: Possession, Use, Distribution, or Sale~~**

~~A student shall 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.~~

**R. ~~Inhalant Abuse~~**

~~A student shall 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.~~

**S. ~~Possession/Use of Substance Containing Tobacco and/or Nicotine~~**

~~A student shall 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 District County, including all activities or events sponsored by the District County.~~

~~Special considerations according to WV Code 16-9A-4:~~

- ~~1. 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.~~
- ~~2. Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.~~
- ~~3. An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. West Virginia Board of Education policy 2422.7—Standards for Basic and Specialized Health Care Procedures must be followed in order for students to use such products on school property or at school sponsored events.~~

**LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in WV Code 18A-5-1 and 18A-5-1a.**

The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994. These laws require that the principal, Superintendent, and the Board address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a.

**A. Battery on a School Employee**

A student shall not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee or causing physical harm to a school employee as outlined in WV Code 61-2-15(b).

**B. Felony**

A student shall 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), malicious wounding and unlawful wounding (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), and grand larceny (WV Code 61-3-13).

\*Threats of mass or whole school violence, including but not limited to, school shootings or gun violence shall be considered a felony in WVEIS.

C. Illegal Substance-Related Behaviors - Narcotic

A student will not sell, possess, or distribute 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.

D. Illegal Substance-Related Behaviors - Nonnarcotic

A student shall 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 WV Code 60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a District County, including all activities or events sponsored by the District Board. This includes violations of West Virginia Board of Education policy WV Policy 2422.7 - Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis by a Student, and instances of prescription drug abuse (WV Policy 2442.7). This also includes the possession, use, or distribution of electronic cigarettes or vaporizing devices that possess any level of TCH, or its derivative.

E. Possession and/or Use of Dangerous Weapon

According to WV Code 18A-5-1a(a), a student shall not possess a firearm or deadly weapon as defined in WV Code 61-7-2, on any school bus, on school property, 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, 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 include, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

[END OF OPTION 1]

[ ] [OPTION 2]

[NOTE: Identify the behavior for each classification below from Appendix A, WV policy 4373.]

The Board shall train staff regarding the following behaviors and appropriate interventions and consequences, in accordance with Board policy.

**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

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_

**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

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_

**LEVEL 3: Severely Disruptive, Imminently Dangerous, Illegal and/or Aggressive Behaviors** - are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with WV Code 18A-5-1a(c)

A. **Battery Against a Student**

A student shall not unlawfully and intentionally injure another student.

B. **Disruptive/Defiant Conduct**

A student shall not exhibit escalating behavior that violates classroom/school rules, resulting in distraction and obstruction of the overall educational process. Conduct becomes defiant when the student refuses to comply with any redirection and will not obey the directives they have been provided, responding in an aggressive or insubordinate manner.

C. **Defacing School Property/Vandalism\***

A student shall 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 systems, breaking light bulbs or fixtures, and damaging school equipment to the point where repair or replacement is necessary.

D. **False Fire Alarm**

A student shall not knowingly and willingly set off a fire alarm without cause.

E. **Fraud/Forgery**

A student shall 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.

F. **Gambling**

A student shall 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.

G. **Gang Related Activity**

A student shall 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 County's educational mission. Gang activity includes:

1. using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang;
2. 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;
3. gathering of two (2) or more persons for purposes of engaging in activities or discussions promoting gangs;
4. recruiting student(s) for gangs.

H. **Harassment/Bullying/Intimidation**

A student shall not harass, intimidate, or bully as any intentional gesture, or any intentional electronic, written, verbal, or physical act, communication, transmission, or threat per WV Code 18-2C that:

1. a reasonable person 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/her person, and/or placing a student in reasonable fear of damage to his/her property;

2. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive educational environment for a student; or
3. disrupts or interferes with the orderly operation of the school and/or educational process.

An electronic act, communication, transmission, or threat includes, but is not limited to, one which is administered via telephone, computer, pager, or any electronic or wireless device, and includes, but is not limited to, transmission of any image or voice, email, or text message using any such device.

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.

When harassment, intimidation, or bullying are of a racial, sexual, and/or religious/ethnic nature, the above definition applies to all cases whether or not they involve students, staff, or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:

#### 1. Sexual Harassment

Sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education; or submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education by creating an intimidating, hostile, or offensive employment or educational environment.

Amorous relationships between county board of education employees and students are prohibited, pursuant to WV Code 61-8B-11b.

#### 2. Racial Harassment

Physical, verbal, or written conduct relating to an individual's race when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or otherwise adversely affects an individual's academic opportunities.

#### 3. Religious/Ethnic Harassment

Physical, verbal, or written conduct related to an individual's religion or ethnic background when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment.

#### 4. Sexual Violence

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: touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts; coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or; threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

#### 5. Racial Violence

Physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

### I. Hazing

A student shall 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(s) to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as

a condition of continued membership in, any activity or organization, including both co-curricular and extra-curricular activities (see Policy 5516).

J. Imitation Drugs: Possession, Use, Distribution, or Sale

A student shall not possess, use, distribute, or sell any substance that is expressly represented or implied to be a controlled substance or to simulate the effect and/or the appearance (color, shape, size, and markings) of a controlled substance.

K. Improper or Negligent Operation of Motor Vehicle

A student shall 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.

L. Inhalant Abuse

A student shall not deliberately inhale or sniff common products found in homes, schools, and communities with the purpose of intoxication. The action may be referred to as huffing, sniffing, dusting, and/or bagging.

M. Larceny

A student shall not, without permission, take another person's property or have another person's property in his/her possession. Property valued at \$1,000 or more shall increase this behavior to a Level 4 because it is considered a felony in accordance with WV Code 61-3-13.

N. Possession/Use of Substance Containing Tobacco and/or Nicotine

A student shall not 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. This includes any electronic cigarette or vaporizing device; regardless of whether or not it contains nicotine.

O. Sexual Misconduct

A student shall not publicly and indecently expose themselves, display or transmit any sexually explicit media including but not limited to drawings, photographs, animations, or videos 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.

P. Threat of Injury/Assault Against an Employee or a Student

A student shall 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 WV Code 61-2-15.)

Q. Trespassing

A student shall not enter upon the premises of County property, other than to the location to which the student is assigned, without authorization from proper school authorities.

R. Habitual Violation of School Rules or Policies\*

A student shall not persistently, as defined by the District, refuse to obey the reasonable and proper orders or directions of school employees, school rules, or policies. A student must have had one or more discipline referrals.

S. Insubordination\*

A student shall 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.

T. Physical Altercation\*

A student shall not engage in a physical altercation with another person(s).

**U. Profane Language/Obscene Gesture/Indecent Act toward an Employee or a Student\***

A student shall 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, writing, electronic, and/or illustrative communications intended to offend and/or humiliate.

V. \_\_\_\_\_

W. \_\_\_\_\_

X. \_\_\_\_\_

Y. \_\_\_\_\_

Z. \_\_\_\_\_

**LEVEL 4: Safe Schools Act Behaviors** - are consistent with those addressed in WV Code 18A-5-1 and 18A-5-1a. The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994. These laws require that the principal, Superintendent, and the Board address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a.

**A. Battery on a School Employee**

A student shall not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee or causing physical harm to s school employee as outlined in WV Code 61-2-15(b).

**B. Felony**

A student shall 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), malicious wounding and unlawful wounding (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), and grand larceny (WV Code 61-3-13).

**C. Illegal Substance-Related Behaviors**

A student shall 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 WV Code 60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a **District County**, including all activities or events sponsored by the **District County**. This includes violations of West Virginia Board of Education policy 2422.7 - Standards for Basic and Specialized Health Care Procedures and instances of prescription drug abuse.

**D. Possession and/or Use of Dangerous Weapon**

According to WV Code 18A-5-1a(a), a student shall not possess a firearm or deadly weapon as defined in WV Code 61-7-2, on any school bus, on school property, 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, 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 include, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

**[END OF OPTION 2]**

Students may be subject to discipline for violation of the Student Code of Conduct even if that conduct occurs on property not owned or controlled by the Board but which is connected to activities sanctioned or managed by the Board or its personnel or incidents that have occurred on property owned or controlled by the Board. Such discipline shall be consistent

in all respects with the form and procedure for disciplining students set forth in Policy 5600 - Student Discipline and West Virginia Board of Education policy 4373, referenced above.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. The ~~District~~ **County** shall review this policy pursuant to the requirements of West Virginia Board of Education policy for compliance with Federal and State law. The ~~District~~ **County** shall assess the effectiveness of this policy annually. This review shall include:

- A. summary data for incidents of inappropriate behavior and intervention responses to incidents;
- B. required LSIC reports;
- C. trend analysis from school climate/culture survey tools (as available);
- D. impact data related to school climate/culture improvement strategies within ~~District~~ **County** and school strategic plans; and impact data from training and staff development offered by the ~~District~~ **County**, [ ] ESC, **[END OF OPTION]** and/or WVDE.