

DISCIPLINE AND STUDENT CODE OF CONDUCT

PHILOSOPHY

Effective, consistent discipline must be maintained in order for the educative process to operate effectively. All school personnel shall make every reasonable effort to assist any student to adjust to school regulations, and to that end, principals and teachers are directed to establish guidelines for student behavior at the beginning of each school term. Hardy County Schools must respond immediately and consistently to incidents of harassment, intimidation, bullying, substance abuse and/or violence in a manner that effectively deters future incidents and affirms respect for the individual. Each school, in conjunction with the Board of Education, will implement proactive, prevention, and response programs, outline investigatory and reporting procedures, and delineate penalties for violations of this policy.

Establishing such an 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 that 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. All students, at each grade level, will be instructed and educated regarding the students' responsibilities and expectations to establish such an environment. Important education components for students will consist of the following:

1. Raising awareness of the different types of Student Code of Conduct violations.
2. How they are manifested.
3. Their devastating emotional and educational consequences.
4. Their potential legal implications.

Hardy 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 Employee Code of Conduct) to report observances of violations. Teachers are expected to handle all possible disciplinary problems within the classroom. However, if, in the teacher's opinion, the disciplinary problems cannot be resolved without educational loss to other students, the teacher has the responsibility to seek help from the administrator. When this becomes necessary, the administrator shall discuss with the teacher the disciplinary problem before action is taken. After dealing with the problem, the administrator shall discuss with the teacher the action taken. The consequence should be in relation to the seriousness of the offense. Parents and students shall be accorded their due process rights in all disciplinary actions. Parents and students shall also accept responsibility for attending conferences with principals and teachers to resolve problems.

In any case where a violation of the state law has occurred, the administration has the right to refer the offense to civil authorities and/or police. The student committing an offense or violation is responsible for any and all damages and personal injuries, and the parents or legal guardians are responsible for damages to the extent provided by law. When a student faces multiple charges, each charge constitutes a separate offense.

The West Virginia Code assigns to the county boards of education the right "to control and manage the school for all school activities" (18-5-13). Also the code (18A-5-1) states that the teachers shall stand in place of the parent or guardian exercising authority over the school. They shall have control of all students from the time they reach the school until they have returned home except that, where the students ride school buses, the bus driver shall have control over them. "Teacher" is defined to include principals, substitute teachers, student teachers.

This policy does not supercede any rights granted to special education students by federal provisions of the Individuals With Disabilities Act (IDEA) Amendments of 1997 (Public Law 105-17) or with West Virginia State Code 126C SR 16, West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students or other West Virginia Board of Education policy.

DEFINITIONS

Pupil or Students shall be defined as any child, youth or adult enrolled in any instructional program or activity conducted under board authorization and within the facilities of or in connection with any program under public school direction: Provided, that in the case of adults the pupil-teacher relationship shall terminate when the pupil leaves school or other place of instruction or activity.

Teacher shall be defined as all professional educators as defined in section one, article one of chapter of the code of West Virginia and shall include the driver of a school bus or other mode of transportation and instructional aides.

Habitual violation of school rules or policies shall be defined as repeatedly violating school rules or policies.

SUPERVISION

All employees of the Hardy County Schools shall share responsibility for supervising the behavior of students, for seeing that they meet the standards of conduct that the school board or its administrators establish and the Student Code of Conduct that has been adopted by the State Board of Education. Principals shall establish procedures for dealing with student misconduct that clearly defines each employee's responsibility.

In each instance in which an employee acts to help a student conduct themselves properly, emphasis shall be placed upon the growth of the student in the ability to discipline him self/herself.

Any violations of the Student Code of Conduct observed by school employees or by students must be reported to the school principal or his/her designee for appropriate action as required in the Employee Code of Conduct.

STUDENT CODE OF CONDUCT

The Student Code of Conduct as adopted by the State Board of Education requires the following of every student:

1. Students shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.

2. Students will help create an atmosphere free from bullying, intimidation and harassment.
3. Students will demonstrate honesty and trustworthiness.
4. Students will treat others with respect, deal peacefully with anger, use good manners, and be considerate of the feelings of others.
5. Students will demonstrate responsibility, use self-control and be self-disciplined.
6. Students will demonstrate fairness, play by the rules, and will not take advantage of others.
7. Students will demonstrate compassion and caring.
8. Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

ACADEMIC PUNISHMENT

Academic punishment shall not be used. A student's academic grade shall be based on achievement. Other types of discipline, rather than academic punishment, must be employed when necessary.

DETENTION

The board approves of the detention of students after school hours, before the opening of school and during the lunch break as an acceptable form of discipline provided: (1) that the students are adequately supervised; (2) students have an opportunity to eat lunch; and (3) that advance arrangements are made for transporting the students home safely. All assignments to detention shall be by the principal or designee.

EXCLUSION, SUSPENSIONS, AND EXPULSIONS

Students, who fails to comply with the Student Code of Conduct and/or other standards of conduct established by the Board or its agents, may be excluded from a classroom or school bus in accordance with State Board Policy 18A-5-1, suspended from school or a school bus in accordance with Board Policy, or expelled from school in accordance with Board Policy.

SCHOOL DISCIPLINE PLAN

Each school shall develop and implement a positive/preventive discipline plan which may include a student involvement program, a peer mediation program, a responsible student program, or similar program(s). Information concerning this plan shall be shared with students and their parents through the various school communication vehicles at the beginning of each school year. These may include the following:

1. Published in Student Handbooks. Students are tested on the contents of the handbook.
2. In-service to all administrators, faculty and staff prior to the start of the school year.
3. Discussion with members of PTO's and Booster groups throughout the year.
4. Posted on County Website.
5. Printed summary of the policy in the "Back to School" flyer published prior to the start of school.
6. Printed summary posted in all school offices and main halls.

Students are subject to discipline for conduct while traveling to and from school-sponsored events, while on school-owned property, while off campus during school hours for a school-sponsored activity/event whenever such conduct has a direct effect on the general welfare of the school.

DISCIPLINE CODE VIOLATIONS AND ACTIONS:

The following include, but are not limited to, the major discipline violations the Hardy County Board of Education, in compliance with the WV State Board Student Code of Conduct Policy, finds interfere with the education of students and an environment which is conducive to learning. The Board will require compliance with federal and state special education discipline procedures relevant to the identified eligible special education students and/or 504 students.

LEVEL I VIOLATIONS:

- **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.

- **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.

- **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.

- **Improper Operation of a Motor Vehicle**

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

- **Inappropriate Displays of Affection**

Students will not engage in inappropriate displays of affection, such as kissing or embraces of an intimate nature

- **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.

- **Leaving School Without Permission**

A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

- 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.

- Tardiness

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

- Technology Abuse

A student will not violate the terms of the Hardy County Board of Education Internet Acceptable-Use Policy and/or the West Virginia Board of Education Policy Safety and Acceptable Use of the Internet by Students and Educators Policy (2460)

- Tobacco

In accordance with the Hardy County Board of Education Tobacco Policy and the West Virginia State Board of Education Policy (2422.5A), 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.

- 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.

- Truancy

In accordance with the Hardy County Attendance Policy and the West Virginia Board of Education Attendance Policy (4110), a student will not fail to report to the schools assigned class or activity without prior permission, knowledge or excuse by the school or by the parent/guardian.

- School Conduct Bus Violations

Students are expected to conduct themselves in an appropriate manner so that the safety and well-being of all bus occupants are not compromised.

VIOLATIONS OF LEVEL 1 - SCHOOL ACTIONS:

School administrators and staff may use appropriate intervention strategies including, but not limited to, staff and student/parent conferences, support intervention and counseling programs, student programs for conflict resolution and peer mediation, and programs for anger management and violence prevention. Any of the following intervention strategies and disciplinary actions may be used as appropriate response to the violation:

1. Administrator/student conference or reprimand
2. Administrator and Teacher-Parent/Guardian Conference
3. Referrals and conference to support staff or agencies
4. Referral to a Tobacco Cessation Program
5. Daily/Weekly progress reports
6. Behavioral Contracts
7. Change in the student's class schedule
8. School service assignment
9. Confiscation of inappropriate item

10. Restitution/restoration
11. Before and/or after-school detention; Lunch detention; Saturday school
12. Denial of participation in class or school activities
13. Immediate exclusion by teacher from one class period of the school day
14. In-school Suspension
15. Out-of-School Suspension for up to three (3) days for repetitive or severe degree of a Level I Violation(s)
16. Law Enforcement Notification for severe degrees of a Level IV violation(s)

LEVEL II VIOLATIONS:

- Bullying/Harassment

A student shall not bully/intimidate/harass another student. According to W.Va. Code 18-2c-2, "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 effect of: (1) Hazing a student; (2) Damaging a student's property; (3) Placing a student in reasonable fear or harm to his or her person; or (4) Placing a student in reasonable fear of damage to his or her property; or (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

- 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.

- 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 or property.

- Forgery

A student will not sign the name of another person for the purpose of defrauding school personnel or the Board of Education.

- 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.

- 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 game and contests authorized as official school functions.

- 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 students 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 the student as a member of a gang, or otherwise symbolizes support of a gang.
- (c) Gathering two or more persons for purposes of engaging in activities or discussions promoting gangs.
- (d) Recruiting student(s) for gangs.

- Insubordination/Unruly Conduct

A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing 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, 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.

- Loitering

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

- 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 or her possession property valued less than \$100.00 which does not belong to the student.

V I O L A T I O N S O F L E V E L I I – S C H O O L A C T I O N S

1. Any Level I Action(s)
2. Referral to School Counselor
3. Referral to Alternative Education Program
4. Out-of-School Suspension for up to ten (10) days

L E V E L I I I V I O L A T I O N S :

Violations in this category are consistent with those addressed in W V Code 18A -5-1a (b) and (c) and shall be reported immediately to the principal, or designee, of the school. The principal, or designee, will address the violation following the procedures outlined in W V Code 18A -5-1a, subsections (b) through (h).

- 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.

- Defacing School Property

A student will not willfully cause damage to property of the school or others. Actions such as writing in school texts or library books, writing on desks or walls, carving into woodwork, desks, or tables and spray painting surfaces are examples of damages to school property.

- Disobeying a teacher in a willful manner.

A student will not willfully disobey a teacher.

- 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.

- Profane Language

A student will not use profane language directed at a school employee or a student. 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 or student.

- Theft

A student will not, without permission of the owner, take property or have in his or her possession, property valued at between \$100.00 and \$999.00.

- Improper or Negligent Operation of a Vehicle

A student will not intentionally or recklessly operate a 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.

- Marijuana (Simple Possession)

A student will not possess or be under the influence of marijuana in an educational facility, on school grounds, a school bus or at any school-sponsored function.

- Physical Altercation

A student will not participate in a physical altercation with another person while under the authority of school personnel.

- Habitual Violation of School Rules or Policies

A student will not habitually or repeatedly violate school rules or policies.

VIOLATIONS OF LEVEL III – SCHOOL ACTIONS

1. A principal may suspend a student from school, transportation to or from school on any bus, if the student, in the determination of the principal, after an informal hearing pursuant to W V Code 18A -5-1 (d), has committed and Level III violations.
2. If a student has been suspended pursuant to W V Code 18A -5-1a(b) or (c), the principal may request that the superintendent recommend to the county board of education that the student be expelled following the provisions in subsections (b) through (l) of W V Code 18A -5-1a.
3. Any response to Level I and II violations.
4. Referral to the Law Enforcement Agency and/or the Legal System
5. Referral to the Mental Health Agencies, if appropriate
6. Referral to Department of Health and Human Resources, if appropriate

LEVEL IV VIOLATIONS:

Violations in the Level IV category are consistent with those addressed in W V Code 18A-5-1(a) and (b). Level IV violations in this policy are aligned with definitions in W V Code 66-6-17, 61-6-24, and 18-5-1, 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 W V Code 18A-5-1(a) and (b).

- **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 W V Code 61-2-15(b).

- **Felony**

A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult. Such acts that would constitute a felony include, but are not limited to, arson, malicious wounding and unlawful wounding, bomb threat, information about a terrorist act, hoax terrorist act, burglary, robbery and grand larceny.

- **Possession, Distribution, or Being Under the Influence of a Controlled Substance**

According to W V Code 18A-5-1a(b)(ii), a student will not possess, distribute or be under the influence of a controlled substance governed by the Uniformed Controlled Substances Act as described in W V Code 60A-1-101, et seq., on the premises of an educational facility, at a school-sponsored function or on a school bus.

- **Possession of a Firearm or a Deadly Weapon**

A student will not possess a firearm or deadly weapon on any school bus, or in or on any public or private primary or secondary education building, structure, facility or grounds thereof or at any school-sponsored function. As defined in W V 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, black jack, 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, compasses, or combs, with the intent to harm another. A pocket knife with a blade of three and one-half inches or less shall not be included in the definition of knife as defined in W V Code 61-7-2 unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.

- **Sale of a Narcotic Drug**

A student will not sell a narcotic drug on the premises of an educational facility, at a school-sponsored function, or on a school bus.

VIOLATIONS OF LEVEL IV – SCHOOL/COUNTY ACTIONS:

Level IV violations are those addressed in W V Code 18A-5-1a that require the mandatory suspension of the student by the principal, or from transportation to or from school on any bus, after an informal hearing pursuant to subsection (d) of W V Code 18A-5-1a.

Pursuant to W V Code 18-5-1a(b), if a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of the State of West Virginia if committed by an adult; or unlawfully possessing a controlled substance governed by the Uniform Controlled Substance Act as described in W V Code 60A -1-101, et seq., on the premises of an educational facility, at a school-sponsored function, or on a school bus, the principal may request that the superintendent recommend to the county board that the student be expelled.

If a student has been suspended for battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug pursuant to W V Code 18A -5-1a, the principal shall notify the superintendents' office as soon as possible of the incident and proposed actions. Within twenty-four hours written notification shall be made to the superintendent requesting that Board consider expulsion.

Upon such request by a principal, the county superintendent shall recommend to the county board that the student be expelled.

Upon such recommendation to the county board by the superintendent, the county board shall conduct a hearing in accordance with W V Code 18A -5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation, the county board shall expel the student.

Students may be expelled pursuant to W V Code 18A -5-1a for a period not to exceed one school 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 W V Code 18A -5-1a(j).

A county board that expels a student may attempt to establish the student as a "dangerous student" as defined in W V Code 18A -1-1, at a hearing to determine the expulsion of a 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.

W V Code 18A -1-1 defines a "dangerous student" as a student who is substantially likely to cause serious bodily injury to him self, herself or another individual within the student's educational environment as W V 126C SR 20, W V Board of Education Policy 2418 Alternative Education Programs for disruptive students, 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.

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 W V Code 18A -5-1a but must re-evaluate this decision at least every three months.

ADMINISTRATION OF THE POLICY

Complaint Procedures:

The principal, or designee, shall be the person(s) responsible for receiving oral or 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 designee for appropriate action to be taken as specified in this policy.

Employee failure to report a violation is addressed in W V 126C SR 142, West Virginia Board of Education Policy 5310, Performance Evaluation of School Personnel.

Nothing in this policy shall prevent any person from reporting violations directly to the County Superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency.

Investigation Procedures

The principal, or the designee shall immediately undertake or authorize an investigation upon receiving a complaint. The investigation may be conducted by school/school system officials or by a third party designated by the school system.

The investigation must consist, at a minimum, 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, or circumstance giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator(s).

When any student is to be interviewed in connection with an investigation pursuant to a Level 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, provided such parental notification does not compromise overall student/student safety. Parental notification is encouraged at Levels II and III, and discretionary at Level I.

The official(s) designated to conduct the investigation shall immediately take reasonable steps as necessary, to protect the complainant, student, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation. The investigation will be completed as soon as practical but no later than ten school days following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period.

In the event the investigating official is not 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 or W V Code 18A -5-1a. Whether a particular action or incident constitutes a violation of this policy requires a determination based upon all the facts and surrounding circumstances.

The results of the investigation of each complainant filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal, his/her designee or the investigating official.

The principal, or designee shall promptly enter all substantiated reports of the Student Code of Conduct into the West Virginia Education Information System (WVEIS).

The investigating official shall protect the right of confidentiality of the complainants, subjects, witnesses, and investigators. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Any individual violating such confidentiality shall be subject to disciplinary action.

IMPLEMENTATION

To ensure understanding of the Student Code of Conduct, the county office and schools shall develop and implement training for students and staff of these regulations and on means of effectively promoting the goals of this policy.

Strategies the county office and schools may employ to accomplish this goal include:

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, homerooms/advisory groups throughout the year emphasizing the different types of violations, the effect violations have on the other person, and the consequences for violating the Code of Conduct.
2. Printing the policy or summary of the policy in the calendar that is distributed to all students at the beginning of the school year.
3. Printing the policy or summary of the policy in the "Back To School" flyer distributed through the local newspaper.
4. Printing the policy, or summary of the policy, in the student handbooks.
5. Discussing the policy with support groups such as the PTO /PTA, Local School Improvement Council, booster groups, etc.
6. Providing pre-school staff development sessions for administrators, faculty and staff emphasizing the types of violations, how they are manifested, how the violations impact students and learning, and the consequences for violating the Student Code of Conduct.
7. The parent/guardian of each student entering school for the first time shall sign and return an agreement to abide by the stipulations in this policy and awareness of the consequences associated with violations. The agreement shall be returned to and maintained at the individual school.
8. All students, within the first full week of school, shall have an instructional lesson on the contents of the school handbook and specifically the requirements of the Student Code of Conduct. In grades K-4 this will be conducted by the student's homeroom teacher. In grades 5-12, this shall also include a written quiz on the handbook. This quiz shall be scored and the results reviewed with students to insure awareness of proper procedures. A record of the administration of this quiz shall be maintained for all students.
9. 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, cafeterias,
10. Classrooms, office areas, libraries, hallways, gymnasiums, and locker rooms.

ENFORCEMENT

Response to Substantiated Violations

Upon receipt of a report substantiated by staff observation or by the investigation, the principal, his/her designee, superintendent, or the Hardy County Board of Education will take appropriate action against those found to have violated the Student Code of Conduct.

In determining the appropriate response and/or punishment for a Level I, II, or III violation, consideration should be given to any surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.

The principal, his/her designee, or superintendent shall initiate other such action as is appropriate to ease tensions and to affirm the values of respect and understanding.

Reprisal

The principal, his/her designee, designated central office staff, superintendent, or the Hardy County Board of Education will discipline any individual who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in the investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Also, appropriate disciplinary action such as oral and/or written reprimand or suspension shall be taken against any student, administrator or other school personnel who falsely reports violations of the Student Code of Conduct.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Disciplinary action may include, but is not limited to, a verbal or written reprimand or a suspension from school or assigned duties.

Identification of and Classification as a Persistently Dangerous School

As required by H.R. 1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind), the West Virginia Department of Education will use the criteria set forth in section 6.4 of this policy to determine whether a school will be classified as a Persistently Dangerous School. Beginning with the 2002-2003 school year, and in each subsequent year, data indicating the number of substantiated violations at each school as set forth in Section 6.4 of this policy will be collected using the West Virginia Education Information System (WVEIS) in order to identify and classify a school as persistently dangerous.

A Hardy County public school will be classified as a Persistently Dangerous School on or before July 1, beginning in 2003, and in each subsequent year, if the school has, for two consecutive years, substantiated violations of the following offenses that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment.

1. Battery on a school employee [W.V. Code §61-2-15(b)]
2. Commission of an act that would constitute a felony under the laws of this state.
3. Possession of a firearm or deadly weapon as defined in W.V. Code §61-7-2 on any school bus as defined in W.V. Code §17A-1-1, or in any public or private primary or secondary education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in W.V. Code §61-7-11a.
4. Sale of a narcotic drug as defined in W.V. Code §60A-1-1.01 on the premise of an educational facility, at a school-sponsored function, or on a school bus.

Beginning with the 2003-2004 school year, the Hardy County Board of Education must provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in Section 6.4 of this policy that exceed three percent (3%) of the total number of students enrolled in the school, based on the school's second month enrollment.

Beginning with the 2003-2004 school year, the West Virginia Department of Education must provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in section 6.4 of this policy that exceed three and seventy-five one hundredths percent (3.75%) of the total number of students enrolled in the school, based on the school's second month enrollment.

Beginning with the 2003-2004 school year, a student attending a Persistently Dangerous School, as defined by the State, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a Hardy County public school that the student attends, shall be allowed to attend an alternate safe public school within Hardy County.

Beginning with the 2003-2004 school year, if one or more public schools in Hardy County is identified as a persistently dangerous school, the county office must, in a timely manner, notify parents of each student attending the school that the state has identified the school as persistently dangerous; offer students the opportunity to transfer to a safe public school in Hardy County; and, for those students who accept the offer, complete the transfer.

Any public school in Hardy County identified as persistently dangerous must develop a corrective action plan; submit it to the West Virginia Department of Education, and implement that plan in a timely manner.

The county office will provide training, 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 student 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.

Severability

If any portion of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Authority: W V Constitution, Article X II, §2, and W V 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-1-101, 60A-7-11a, 61-2-15, 61-6-2, and 61-7-11a.

DATE: March 11, 1991 - April 8, 2002 - August 4, 2003

