

SUSPENSION AND EXPULSION OF STUDENTS

The board recognizes the need of students, teachers, administrators and other school personnel to have an orderly, safe, and stimulating educational environment. It recognizes that education means meeting student's need for learning, thinking, participating, enjoying, and belonging throughout their lives. Promoting effective discipline in school requires a comprehensive program supported by everyone in the school organization, parents, or guardians and the community. In order to assure that schools are able to address these needs, the West Virginia Board of Education provides Policy 4373, which includes the Student Code of Conduct.

The code of conduct applies to all students enrolled in public schools in West Virginia. This policy does not supersede any rights granted to special education students by federal or state law and other state board of education policy.

Student Code of Conduct:

In order for each student to have the opportunity to reach his/her potential, each student in the public schools of West Virginia shall:

- Attend school faithfully, complete his/her assignments on time, and work to his/her potential.
- Behave in a manner that does not disrupt classroom learning or the operation of the school.
- ObeY teachers and principals and others in authority.
- Refrain from aggressive or threatening behavior toward fellow students, teachers, or other school staff.
- Refrain from the possession or use of any weapons, illegal drugs, alcohol, or tobacco products.

Suspension:

For extreme and serious violations of school rules, the consequences may be out-of-school suspension (OSS). Suspension shall be at the discretion of the school principal. Prior to suspension, the principal shall hold an informal conference with the student immediately after the alleged actions have occurred. The informal conference shall be held unless the principal determines that the continued presence of the student on school premises poses a danger to students, school property, and/or an interruption to the academic process. The informal hearing shall be held in compliance with West Virginia State Code §18A-5-1a. Suspension shall be limited to a maximum of three (3) days unless otherwise approved by the superintendent. The principal may decrease the period of suspension upon the satisfactory adjustment and understanding between the teacher (if involved), pupil, parents or guardian, and the principal. All cases of suspension must be reported to the superintendent.

Pupils may be suspended from school by the principal for the following reasons:

- For willful or gross misconduct or for repeated disobedience to a teacher.
- For immorality, for writing or using profane and obscene language or possessing obscene materials in or around school or at a school sponsored activities.
- Fighting.
- Any other violation determined to be equivalent to those listed above.

Pupils shall be suspended from school by the principal for the following reasons. Any of the following reasons may result in the recommendation of student expulsion to the Hardy County Board of Education.

- The possession, consumption or being under the influence of alcohol or drugs on school property or at school sponsored events.
- Possession and use of tobacco products on school property or at school sponsored events.
- Possession of a deadly weapon on school property or at school sponsored events.
- Any other violation determined to be equivalent to those listed above.

A student who is suspended from school may not:

- Participate in any portion of the school's program either class or after school activities.
- Ride on the school bus.
- Be on the school grounds at any time.

The student will not be permitted to return to school until a satisfactory conference with the student, teacher, parent or guardian, and administrator is held. At this conference, plans will be made for improved behavior on the part of the student. The student may return to school only with permission from the administration. In all cases of suspension, the administration will notify the parent or guardian, and the superintendent.

Expulsion:

If a student's misconduct is extremely serious, the superintendent may recommend that the board of education expel the student from school.

Acts Resulting in Expulsion:

- Repeated non-compliance resulting in out-of-school suspension.
- Threats/assaults/batteries to school personnel, students, visitors, or other individuals.
- Violation of the "Student Drug Abuse, Students Substance Abuse, Student," Hardy County File JED.
- Violation of the "Firearms or Deadly Weapons in School," Hardy County File JEF.

Possession or use of any object generally accepted as weapon, dangerous and/or weapon, explosives or incendiary devices. (Weapons include, but are not limited to: black jack, gravity knife, knife, switchblade knife, nunchaku, metallic or false knuckles, pistol, revolver, shotgun, rifle.) See West Virginia Code § 61-702 for definition of deadly weapon.

After being afforded due process including a hearing before the Hardy County Board of Education, any student who is found to be in possession of a gun ** on school property, on a school bus, or at any school-sponsored event shall be expelled from school no less than one year (12 months). The superintendent on a case-by-case basis may make exceptions to this consistent with the provision of Part B of the IDEA, Section 504 of the Rehabilitation Act, and West Virginia Safe Schools Act of 1995. ** For the purpose of this policy, a gun means a firearm as defined in Section 921 Title 18 of the United States Code. According to Section 921, the following are included with this definition:

- a. Any weapon which will or is designed to or may be readily converted to expel a projectile by the action of an explosive;
- b. The frame or receiver of any weapon described above;
- c. Any firearm muffler or firearm silencer;
- d. Any explosive, incendiary, or poison gas:
 1. Bomb.
 2. Grenade.
 3. Rocket having a propellant charge of more than four ounces.
 4. Missile having an explosive or incendiary charge of more than one-quarter ounce.
 5. Mine, or
 6. Similar device.
- e. Any weapon which will or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or
- f. Any combination of parts either designed or intended for use in converting any device into any destructive device in the two immediately preceding examples, and from which a destructive device may be readily assembled.

The assault or attempted assault of any student, school employee and/or school visitor with any chemical, which may injure, and/or permanently or temporarily blind or disable the individual. This would include, but not be limited to: mace, pepper, acids, bases, solvents, flammable liquids, gases, etc.

West Virginia State Code § 18A-5-1a mandates a one-year expulsion from school for any student who:

- a. Sells a narcotic drug on the premises of an educational facility, at a school-sponsored function, or on a school bus.
- b. Possess a firearm on school premises, at a school-sponsored function, or on a school bus.
- c. Assaults a school employee.

Procedures for Expulsion from School

The student or his/her parent/legal guardian must be given a written statement of the specific charges against him/her.

The Hardy County Board of Education shall afford the student and/or his custodian parent/legal guardian a hearing on the student's proposed expulsion. The student and his/her parent/legal guardian must be given a written notice of the time and place of the county board hearing at which the student's expulsion will be considered. This notice must be given far enough in advance for the student to have sufficient time to prepare an adequate defense against the charges.

The student and his/her parent/legal guardian have the right to be present at the board hearing, and the student has a right to defend him self/herself against the charges.

If the student so desires, he/she has the right to be represented, on his/her behalf, to hear the testimony of witnesses against him/her and to question the witnesses.

The student has a right to present witnesses in his/her behalf.

The student may be suspended from school prior to the hearing if the school administration determines his/her presence poses a clear danger to the integrity of the learning process or the safety of the faculty or the students.

If the Hardy County Board of Education decides that the charges against the student do not warrant his/her expulsion from school, he/she may remain in school or return to school without being subject to any form of punishment or harassment.

Criminal Acts

Any actions by a student, which constitutes a crime, misdemeanor or felony, will be promptly reported to the state/county police department by the building principal.

SOURCE: Board of Education Minutes

DATE: June 24, 1996 - April 8, 2002

LEGAL REFERENCES: West Virginia Code § 18-5-1, § 15-5-15f and (b)
§ 18-8-8, § 18A-5-1a, § 61-7-11, § 61-7-11a
Individuals with Disabilities Education Act
Improving America's Schools Act
Gun Free Schools Act
Americans with Disabilities Act of 1990
Rehabilitation Act of 1974 (Section 504)

(JEC SUSPENSION)

