

KANAWHA COUNTY BOARD OF EDUCATION POLICY
Series: J25 - Student Behavior

Scope. This policy sets the requirements for the conduct of students in Kanawha County Schools in order to assure a nurturing, orderly, safe, drug-free, violence- and harassment-free learning environment that supports student academic achievement and personal-social development. It also sets forth definitions of misconduct prohibited in schools and the potential consequences for that misconduct. Every school in the county is required to follow this policy and no school may enact a policy that has greater consequences than those allowable in this policy. This Policy replaces the Student Behavior Policy adopted on June 16, 2011.

25.1 Student Code of Conduct.

- All students enrolled in Kanawha County Schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.
- Students will help create an atmosphere free from bullying, intimidation and harassment.
- Students will demonstrate honesty in interactions with their peers, staff, and administration.
- Students will treat others with respect, resolve disagreements without physical force or inappropriate language, and be considerate of the feelings of others.
- Students will demonstrate responsibility, use self-control and be self-disciplined.
- Students will demonstrate fairness, abide by the rules, and will not take advantage of others.
- Students will demonstrate compassion and caring.
- Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

25.2 Application.

All students shall be subject to the provisions of a code of conduct in the following circumstances:

- While on property owned by Kanawha County Schools.
- During time periods when a student is scheduled to attend school or other activities conducted under the auspices of Kanawha County Schools, regardless of whether a student is in actual attendance.
- During any extracurricular activity or trip conducted under the auspices of Kanawha County Schools in which a student elects to participate.
- While a student is in transit to or from school or an extracurricular activity, including transit on a school bus.
- Offenses against employees of Kanawha County Schools, regardless of time or place.
- Bomb threats involving Kanawha County Schools' property, regardless of time or place.
- The consumption of alcoholic beverages or Substances, as defined herein, in any amount, prior to school or any school related activity, regardless of place.
- While the student is at any school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by the board of education, RESA or state department of education, or in another facility being used by any of those agencies.

Students who do not behave in a manner that promotes a nurturing, orderly, safe environment conducive to learning will be subject to the Levels of Response to Violations as outlined in this policy.

This policy does not supersede any rights granted to special education students by Federal or State law or other West Virginia Board of Education policy.

While this policy deals primarily with student behaviors, consequences for the inappropriate behaviors of staff and/or public guests will be addressed through personnel procedures (for staff) and removal from school premises (for public guests).

25.3 Planning.

To ensure understanding of this policy, Kanawha County Schools, at the school level, will ensure that training on this policy occur at least once each school year. That training must include the following:

- Discussions in classrooms and at grade level large group meetings will be held at the beginning of the school year to raise the awareness of the different types of Student of Conduct violations and how they are manifested, their devastating emotional and educational consequences, and their potential consequences.
- Each student will sign an acknowledgement verifying participation in the Code of Conduct training.
- New students enrolled in the county will be provided with the Code of Conduct information as part of the school's orientation. A copy of the policy will be sent home with each new student.
- At the beginning of the school year the county's Code of Conduct will be printed or sent home electronically to each student.
- Parents of students in grades K-5 and parents of students who are entering middle school or high school for the first time will be asked to sign an acknowledgement verifying receipt of the county's Code of Conduct. The acknowledgements will be returned to school and kept in the administrative office (either principal's, assistant principals, or counselor's office).

Multicultural educational programs will be developed and implemented for staff, faculty, and students in grades K-12 to foster an attitude of understanding and acceptance of all individuals.

Each local school administration shall be responsible to implement provisions of this policy with specific regard to education, communication and enforcement provisions.

Each school shall develop clear procedures for identification, intervention and referral of students with behavioral and substance abuse issues.

25.4 LSIC Discipline Reports.

Each LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes:

- Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies.
- Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions.

- The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report.
- The county board shall retain and file all such correspondence for public review.

25.5 Searches.

Searches of Students. Under ordinary circumstances the search of a student by a teacher or other school official is permitted, if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or rules of the school. The extent of the search must be reasonably related to the objectives of a search and not excessively intrusive in light of the sex of the student and nature of the infraction. However, “strip searches” are not permitted under any circumstances. Any searches of students will be conducted in the presence of an adult witness. Any contraband property discovered as a result of a search may be confiscated.

Car Searches. A student’s car, while on school property, is subject to search by a teacher or other school official if there are reasonable grounds to suspect that the search will turn up evidence that a student has violated or is violating either the law or rules of the school. Such searches will be conducted in the presence of an adult witness.

Locker Searches. A student’s locker may be searched if there are reasonable grounds to suspect that the search will turn up evidence that a student has violated or is violating either the law or rules of the school. Such searches will be conducted in the presence of an adult witness. Furthermore, by accepting a locker a student shall be deemed to have consented to the periodic inspection thereof. The school principal shall retain keys to all lockers in order to affect such inspections.

Canine Assisted Locker/Facility Inspections. School principals are authorized to arrange for the use of canines that have been trained in the detection of unlawful drugs or explosives to assist in periodic inspections of student lockers, other school facility areas, or grounds. Any unlawful drugs or explosives that are discovered as a result of a canine assisted inspection may serve as a basis for student disciplinary action under the terms of this policy. Only with the specific permission of the Superintendent may canines be used to conduct random searches.

25.6 Violations of the Student Code of Conduct.

This policy classifies student violations of the Student Code of Conduct in four levels. West Virginia Code requires that the principal suspend a student who commits a violation classified as a Level IV in this policy. Level III and IV violations are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct. All violations of this policy shall be reported to school administration. Upon receipt of the reported misconduct and after an appropriate investigation, including speaking with the student, an administrator will determine the level of violation and the school’s response. An administrator shall promptly enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of the Student Code of Conduct. The following subsections describe Level I through IV violations, appropriate interventions and consequences.

When reviewing the subsections below for Level I through III violations, consider the intervention recommendations for how to resolve the infraction, and consequence recommendations to deter the infraction from occurring again. While they do not have to be, interventions and consequences

can be used together, but serve different purposes. Administrators shall consider interventions and consequences in the light of what is most likely to stop and correct the undesired behavior.

A. Level I Violations – 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.

(1) Cell Phones and other electronic communication devices.

The use of cell phones or similar electronic communication devices may be considered prohibited, depending on school administration discretion, during the school day. If school administration decides to prohibit the use of cell phones during the school day, administration must:

- Communicate this prohibition and the consequences, as well as the procedure for where the cell phone shall be kept throughout the day. This type of infraction can have increasing consequences based in repeat offenses, however, those levels must be defined and cannot, alone receive a consequence that not available for Level One offenses.
- Communication of this policy and procedure must be given to students in writing and verbally at the beginning of the year.

(2) Deceit. A student will not deliberately conceal or misrepresent the truth, deceive another or cause another to be deceived by false or misleading statements.

(3) Disruptive/Disrespectful Conduct. A student will not exhibit behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.

(4) Failure to Serve Detention.

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

Any third or subsequent failure to serve a detention may also, at the principal's discretion, result in additional disciplinary action for habitual violation of school rules and policies or insubordination, in accordance with the provisions of this policy.

(5) Falsifying Identity. A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.

(6) Inappropriate Appearance. A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distractive 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. See Kanawha County Board of Education Policy Series J36, "Student Dress Policy" in order to get the definitions used for this infraction.

(7) Inappropriate Displays of Affection. Students will not engage in inappropriate displays of affection, such as kissing or embraces of an intimate nature. This infraction can only be used when the affection is displayed mutually or consensually.

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

(9) 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. This does not include items that are otherwise prohibited in this policy.

(10) Skipping Classes. A student will not fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent/guardian. West Virginia Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class.

(11) Tardiness. A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse. West Virginia Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.

(12) Vehicle Parking Violation. A student will not engage in improper parking of a motor vehicle on school property.

B. School Responses to Level I Violations. School administrators and staff may use any of the following intervention strategies and consequences for Level I offenses:

Appropriate Level I Interventions:

- Confiscation of the inappropriate item
- Auxiliary staff intervention
- Administrator/student conference or reprimand.
- Administrator and teacher-parent/guardian conference.
- Referrals and conference to support staff or agencies for counseling or other therapeutic services.
- Daily/weekly progress reports.
- Conflict resolution programs or peer mediation
- Behavioral contracts. Behavior contracts must be developed for the particular student, identifying the offending conduct and specifically addressing the desired outcome.
- Change in the student's class schedule.
- School service assignment.

Appropriate Level I Consequences:

- Revocation of privileges
- Restitution/restoration
- Before and/or after-school detention. Periods of detention shall not exceed 30 minutes per school day for elementary students or 60 minutes per school day for secondary students. If a student is to be detained beyond the normal school day, the parent(s) or the custodial guardian shall be notified in advance. Students shall not be required to miss bus transportation. Detention shall not be imposed in a manner that deprives a student of lunch.
- Denial of participation in class and/or school activities, such as field trips, prom, graduation ceremonies, etc.

- Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion (see West Virginia Code §18A-5-1). A child's receipt of Special Education services must still be provided during this exclusion from the classroom.
- Voluntary Weekend detention or Saturday school, in lieu of out-of-school suspension.
- In-school suspension. In the event a student is given in-school suspension, such student shall not be permitted to participate in extracurricular activities, including, without limitation, athletic events, on any day which the student is assigned in-school suspension. This also includes weekends if the in-school suspension continues from Friday to Monday.
- Out-of-school suspension for a maximum of three days.

C. Level II Violations. Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm or danger to self 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.

(1) Cheating/Academic Misconduct. A student will not plagiarize or copy the work of others, cheat, or break rules to gain advantage in a competitive situation. A student will not gain unauthorized access to or tamper with educational materials or systems. The response to violations under this section may include academic sanctions in addition to other discipline. The academic sanctions may be used to deny credit for the work resulting from cheating; however, previously earned grades or credits may not be reduced. Depending on the severity of the misconduct, this infraction could elevate to fraud, if appropriate.

(2) Defacing school property/Vandalism. A student will not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray-painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary. This misconduct can escalate to a Level III violation depending on the expense and time needed to repair the defaced or damaged property.

(3) Gambling. A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions. If the gambling activity rises to violation of the law or a regulation, this misconduct can escalate to a Level III.

(4) Insubordination. A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination conduct.

(5) Leaving School Without Permission. A student will not leave the school building, campus of school activity for which the student is enrolled without permission from authorized school personnel.

(6) Physical Fight without Injury. A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons. Injury, in this case, means that the student suffered bodily harm. This violation can escalate to a Level III violation if the student premeditated the fight, continued to fight after school personnel intervention and/or after there was an ability to retreat.

(7) Possession of Imitation Weapon. A student will not possess any object fashioned to imitate or look like a weapon, or any item which by virtue of its shape or design gives the appearance of any deadly weapon (e.g., fake or toy knives or guns, fake bombs, fireworks fuse, explosive devices, detonators, etc.). This violation can escalate to a Level III violation, if the student uses the imitation weapon to threaten a student or cause a fear of harm or brandishes the imitation weapon in a way that the intention to threaten can be reasonably be found.

(8) Possession of Knife not meeting Dangerous Weapon Definition. A student will not possess a knife or knife-like implement under 3½ inches in length. West Virginia Code §61-7-2 clarifies that a pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports, or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death. This violation can escalate to a Level III violation, if the student brandishes the knife in order to threaten or cause fear of harm, or in the case, of hunting, fishing, other recreation knife, tool, or household knife has a blade and sharp point and is greater than 3½ inches.

(9) Profane Language/Obscene Gesture/Indecent Act Toward an Employee or Student. A student will not direct profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This inappropriate behavior includes but is not limited to, verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate a person or group of people. Racial slurs that are used in a manner consistent with a Level III, bullying, intimidation, or harassment offense, should be evaluated as that offense and not as profanity.

(10) Technology Misuse. A student will not violate the terms of WVBE Policy 2460, Safety and Acceptable Use of the Internet by Students and Educators or Kanawha County Schools Administrative Regulation J33A "Student Telecommunications Network Access." Depending on the severity of the misuse (considering if there was fraud, overt threat of violence, or caused a safety concern to school environment) this violation may escalate to a Level III violation.

(11) Threat of Injury or Assault Against a Student. A student will not threaten (verbal or written) or attempt to injure another student. This includes posting threats on the internet or social networking sites.

D. School Responses to Level II Violations. School administrators and staff may use any of the following intervention strategies and consequences for Level II offenses:

Appropriate Level II Interventions:

- Confiscation of the inappropriate item
- Administrator/student conference or reprimand
- Administrator and teacher-parent/guardian conference
- Referrals and conference to support staff or agencies for counseling or other therapeutic services
- Daily/weekly progress reports
- Behavioral contracts. Behavior contracts must be developed for the particular student, identifying the offending conduct and specifically addressing the desired outcome.
- Change in the student's class schedule
- School service assignment

Appropriate Level II Disciplinary Actions:

- Revocation of Privileges
- Restitution/restoration
- Before and/or after-school detention. Periods of detention shall not exceed 30 minutes per school day for elementary students or 60 minutes per school day for secondary students. If a student is to be detained beyond the normal school day, the parent(s) or the custodial guardian shall be notified in advance. Students shall not be required to miss bus transportation. Detention shall not be imposed in a manner that deprives a student of lunch.
- Denial of participation in class and/or school activities, such as field trips, prom, graduation ceremonies, etc.
- Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion (see West Virginia Code §18A-5-1). A child's receipt of Special Education services must still be provided during this exclusion from the classroom.
- Voluntary weekend detention or Saturday school, in lieu of out-of-school suspension
- In-school suspension. In the event a student is given in-school suspension, such student shall not be permitted to participate in extracurricular activities, including, without limitation, athletic events, on any day which the student is assigned in-school suspension. This also includes weekends if the in-school suspension continues from Friday to Monday.
- Out-of-School Suspension with a maximum of five (5) days.
- Recommended placement in an Alternative Education program, though County SAT.

E. Level III Violations. Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people or property. Violations in the Level III category shall be reported immediately to the principal of the

school in which the student is enrolled. The principal will address the violation following the procedures outlined in W.Va. Code §18A-5-1a, subsections (b) through (h).

(1) Gang Related 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 educational mission.

Gang activity includes:

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.

- Using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang.
- Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.
- Recruiting student(s) for gangs.

(2) Battery against a Student. A student will not unlawfully and intentionally injure another student. This infraction differs from "Physical Fight Without Injury," as this intentional touching resulted in an injury or physical harm to another student.

(3) False Fire Alarm. A student will not knowingly and willingly set off a fire alarm without cause.

(4) Fraud/Forgery. A student will not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities. This violation should be considered a Level II violation if it is minimally disruptive and/or not illegal.

(5) Habitual Violation of School Rules or Policies. A student will not habitually violate school rules or policies. As used herein, habitual violation means three or more violations of school rules or policies within the same school year, which have resulted in the student being suspended for ten or more days cumulatively, and which have been documented to the student and the parent/guardian. If a student is written up for this offense, a school based SAT or IEP meeting should be initiated to develop meaningful intervention strategies to deter the continuation of these behaviors.

(6) Hazing. A student will not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities.

(7) Improper or Negligent Operation of a Motor Vehicle. A student will not intentionally or recklessly operate a motor vehicle, on the grounds of any educational

facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health or welfare of others.

(8) Larceny. A student will not, without permission, take another person's property nor have another person's property in his or her possession. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with West Virginia Code §61-3-13.

(9) Sexual Misconduct. A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event. If the misconduct occurs outside of normal school hours or off school property, it can still be considered a violation of policy if the activity if it disrupts the educational process.

(10) Threat of Injury or Assault Against an Employee. A student will not threaten (verbal or written) or attempt to injure a teacher, administrator, or other school personnel. This includes posting threats on the internet or social networking sites. This includes assault on a school employee defined in West Virginia Code §61-2-15 – attempting to commit a violent injury or placing an employee in reasonable apprehension of immediately receiving a violent injury.

(11) Trespassing. A student will not enter upon county property, other than at the assigned time and location, without authorization from proper school authorities.

(12) Harassment/Bullying/Intimidation. A student will not bully, intimidate, and/or harass, another student. West Virginia Code §18-2C-2 states that "harassment, intimidation or bullying" is an intentional gesture, or any intentional electronic, written, 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 or her person, and/or placing a student in reasonable fear of damage to his or 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 which is administered via telephone, wireless phone, computer, 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 regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:

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:

- 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
- 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
- creating an intimidating, hostile or offensive employment or educational environment.

Amorous relationships between county board employees and students are prohibited.

Sexual harassment may include but is not limited to:

- verbal harassment of a sexual nature or abuse;
- pressure for sexual activity;
- inappropriate or unwelcome patting, pinching or physical contact;
- 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;
- behavior, verbal or written words or symbols directed at an individual because of gender; or
- 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.

Racial harassment consists of 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;
- has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- otherwise adversely affects an individual's employment or academic opportunities.

Religious/ethnic harassment consists of physical, verbal or written conduct which is 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;
- has the purpose or effect of substantially or unreasonably interfering with an

- individual's work or academic performance; or
- otherwise adversely affects an individual's employment or academic opportunities.

Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:

- 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; or threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

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.

(13) Imitation Drugs: Possession, Use Distribution, or Sale. A student will not possess, use, distribute, or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance. See 25.14.G(3) for consequences of this violation.

(14) Inhalant Abuse. A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of "getting high". The action may be referred to as huffing, sniffing, dusting and/or bagging. See Section 25.14.G(3) for consequences of this violation.

(15) Possession/Use of Substances Containing Tobacco and/or Nicotine. A student will not unlawfully possess, use, distribute, or be under the influence of any substance containing tobacco and/or nicotine or possess any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products, including vapes, cartridges, smokeless tobacco, in any building/area under the control of Kanawha County Schools, including all activities or events sponsored by Kanawha County Schools.

The following penalties shall be applicable to a violation of this offense:

- 1st Offense – Confiscation of tobacco/nicotine product(s)/paraphernalia; mandatory conference with parent/guardian; signing of contract by parent/student and school administration which states the consequences for future offenses; mandatory attendance at smoking education class provided by the school nurse. The school nurse will provide an age-appropriate tobacco education program for students who

violate this policy. Failure to fulfill the above requirements may result in a Level I consequence at the principal's discretion.

- 2nd Offense – Confiscation of tobacco products and tobacco/nicotine product(s)/paraphernalia; signing of or referral to contract by parent/student and school administration which explains consequences for future violations; up to 3 days out of school suspension, if possession or actual use of tobacco products has been determined; mandatory conference with the parent/guardian; ticket issued. Referral to school nurse for the purpose of discussing possible cessation opportunities.
- 3rd Offense – Confiscation of tobacco products and smoking paraphernalia; up to 5 days out of school suspension; signing of or referral to contract by parent/student and school administration, explaining the consequences for future offenses; ticket issued.
- 4th and subsequent offenses – Confiscation of tobacco products and smoking paraphernalia; up to 10 days out-of-school suspension or referral to alternative learning center; ticket issued.

F. School Responses to Level III Violations. School administrators and staff may use any of the following intervention strategies and consequences for Level III offenses:

Appropriate Level III Interventions:

- Confiscation of inappropriate item
- Administrator/student conference or reprimand
- Administrator and teacher-parent/guardian conference
- Referrals and conference to support staff or agencies for counseling or other therapeutic services.
- Daily/weekly progress reports
- Behavioral contracts. Behavior contracts must be developed for the particular student, identifying the offending conduct and specifically addressing the desired outcome.
- Change in the student's class schedule.
- School service assignment

Appropriate Level III Consequences:

- Revocation of Privileges
- Restitution/restoration
- Before and/or after-school detention. Periods of detention shall not exceed 30 minutes per school day for elementary students or 60 minutes per school day for secondary students. If a student is to be detained beyond the normal school day, the parent or parents or custodial guardian shall be notified in advance. Students shall not be required to miss bus transportation. Detention shall not be imposed in a manner that deprives a student of lunch.
- Denial of participation in class and/or school activities, such as field trips, prom, graduation ceremonies, etc.
- Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion (see West Virginia Code §18A-5-1)
- Voluntary weekend detention or Saturday school, in lieu of out-of-school suspension
- In-school suspension. In the event a student is given in-school suspension, such

student shall not be permitted to participate in extracurricular activities, including, without limitation, athletic events, on any day which the student is assigned in-school suspension. This also includes weekends if the in-school suspension continues from Friday to Monday.

- Out-of-School Suspension for up to ten (10) days.
- Recommended placement in an Alternative Education program, through County SAT.
- Expulsion.
- Level III violations can rise to the level of criminal offenses and, therefore, may warrant law enforcement notification, however, in accordance with WVBE Policy 4373, should not be used absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

G. Level IV Violations. Violations in the Level IV category are consistent with those addressed in W. Va. Code §18A-5-1a(a) and (b).

(1) Battery Against a school employee. A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in W.Va. Code §61-2-15(b). This includes actions which may occur outside of regular school times and locations. Intent here, may include transferred intent. Meaning that if there is an intent to batter one person and, instead a teacher, staff or administrator is battered, that may be found as intentional depending on the severity and continuation of the battery.

(2) Felony. A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in W.Va. Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (W.Va. Code §61- 3-1), malicious wounding or unlawful wounding (W.Va. Code §61-2-9), bomb threat (W.Va. Code §61-6-17), sexual assault (W.Va. Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (W.Va. Code §61-6-24), burglary (W.Va. Code §61-3-11), robbery (W.Va. Code §61-2-12), and grand larceny (W.Va. Code §61-3-13).

(3) Illegal Substance Related Behaviors. A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code §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 Kanawha County Schools, including all activities or events sponsored by Kanawha County Schools. This includes violations of WVBE Policy 2422.7 -standards for Basic and Specialized Health Care Procedures, instances of prescription drug abuse. This also includes possession, use, being under the influence, distribution, or sale of any substances that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her activities, specifically including, but not limited to, "synthetic or designer" drugs; inhalants; and any substance, in any form, that is a THC derivative.

For this offense, the penalties are leveled depending by number of offenses and whether there the offense was use, possession, or being under the influence, or if it was distribution. If either use, possession, being under the influence, and/or distribution occurs within the same act, a student shall only be charged with the highest act for purposes of determining the level. Distribution is the higher offense. The following penalties shall generally apply, but principal may request enhanced penalties if there are aggravating circumstances associated with the substance or alcohol possession or distribution:

- 1st Offense for use, possession or being under influence – Confiscation of the substances, drug devices, or alcohol; Suspension (up to 10 days); Completion of drug program approved by KCS (Mandatory); Drug counseling by school psychologist; depending on the severity, the school's SRO/PRO may be informed in order to evaluate if criminal charges are appropriate.
- 2nd Offense for use, possession or being under influence OR 1st Offense for distribution – Confiscation of the substances, drug devices or alcohol; Suspension (10 days Mandatory); Recommended transfer to an alternative school made to County SAT for placement for remainder of current semester and the next succeeding semester; a petition for reinstatement to the home school may be made to the Superintendent after the student has attended for at least eighteen (18) weeks; depending on the severity, the school's SRO/PRO may be informed in order to evaluate if criminal charges are appropriate.
- 3rd and subsequent Offense for use, possession or being under the influence or 2nd and subsequent offenses for distribution – Expulsion (Mandatory); recommended referral to SRO/PRO.

(4) Possession of a firearm or deadly weapon.

A student will not possess a firearm or deadly weapon as defined in W.Va. Code §61-7-2, on any school bus, school property or county owned facility, or at any school- sponsored function as defined in W.Va. Code §61-7-11a.

- A "deadly weapon" means any device intended or designed to cause injury or bodily harm, any device that when used in a threatening manner could cause injury or bodily harm, or any device that is primarily used for self-protection.
- Deadly weapons include, but are not limited to, firearms, BB guns, knives over three and half inches or that flip out with a button, , brass knuckles, stun guns, tasers, explosives, or chemical, biological, or radiological materials, including pepper spray. A deadly weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.
- With the exception of a firearm, if a student recognizes they have something on them that may constitute as a "deadly weapon," the student may, without fear of punishment, turn it in to administration, provided they do so prior to getting in trouble for the weapon; brandishing or showing it to anyone; or committing an infraction where a search would be proper.

(5) Sale of a narcotic drug. According to W.Va. Code §18A-5-1a, a student will not sell a narcotic drug, as defined in W.Va. Code §60A-1-101, on the premises of an educational facility, at a school-sponsored function or on a school bus.

H. School/County Responses to Level IV Violations.

If a student has been suspended for battery on a school employee, possession of a deadly weapon or sale of a narcotic drug pursuant to W.Va. Code §18A-5-1a, the principal shall, within twenty-four hours, suspend the student for 10-days out of school and MUST refer the student for expulsion. For other Level IV violations the principal may suspend the student for up to 10 days out of school or refer the student for expulsion. Other interventions and consequences may also be applied.

25.8 School Bus Offenses.

Conduct detrimental to proper operation of bus – It shall be a violation of the code of conduct to engage in behavior which is detrimental to the operation of a bus including, but not limited to: creation of excessive noise; use of profane language; sticking arms or heads out of bus windows; changing seats or standing while bus is in motion; failure to obey directives of school personnel; throwing objects; passing objects through windows; riding in step well or front row of seats; or use of emergency door in non-emergency situations. Maximum possible penalty: Denial of transportation privileges for the remainder of the school year.

A. Damage to bus – It shall be a violation of the code of conduct to damage or deface a school bus.

- 1st Violation – Denial of transportation privileges pending restitution and conference with parent or custodial guardian.
- 2nd Violation – Denial of transportation privileges for remainder of school year; full restitution [Note: Parent or custodial guardian will be held liable for damage to school bus within the limits of the law.]

B. Procedure for suspending a student from the bus.

- A student who has committed a bus violation that may warrant a suspension, the bus operator shall notify administration as soon as possible.
- Together with the bus operator, the administrator needs to determine appropriate discipline in light of the offense and the student. The administrator shall notify the parent and the bus operator of the discipline decided.

C. A student who has been identified as exceptional may not be denied bus transportation if transportation is included on such student's IEP or if the denial of transportation services would result in the denial of educational services, i.e., no alternative means of transportation is available.

25.9 Investigation Procedures.

The principal or assistant principal, shall investigate, or refer for investigation, any alleged violation of this policy before instituting any discipline.

The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances within the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

When a student is to be interviewed pursuant to a Level 3 or 4 behavior, a reasonable effort shall be made to contact the student's parent or guardian, and invite them to be present during the interview, provided such notification does not compromise overall school/student safety or the investigation of the infraction/crime. Parental/guardian notification is encouraged at Level 2 and discretionary at Level 1.

The principal shall:

- determine whether the alleged conduct constitutes a violation of this policy;
- take immediate and reasonable steps to protect the complainant, students, teachers, administrators, or other personnel pending completion of an investigation; and
- assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

Upon completion of the investigation:

- the principal shall make a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy;
- upon substantiation of the findings shall be recorded in WVEIS; and
- the documentation of that WVEIS report shall be provided to parent(s) or guardians.

Confidentiality of the filing of complaints, the identity of subjects and witnesses, and any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution shall be provided information. Violations of confidentiality may itself be grounds for disciplinary action.

25.10 Exclusions, Suspensions, and Expulsions

A. Exclusions.

1. Generally.

According to W. Va. Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who is guilty of disorderly conduct; interferes with the orderly educational process; threatens, abuses, or otherwise intimidates a school employee or student; willfully disobeys a school employee; or directs abusive or profane language at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee.

The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent or guardian.

When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent or guardian of the student have held a conference to discuss the student's disruptive behavior patterns and agree on a course of action. If they are not present at the conference then the parent or guardian must be notified of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

2. Students in Grades 6th – 12th

Pursuant to W. Va. Code §18A-5-1, when a grade six through 12 teacher, excluding an elementary school teacher, determines that the behavior of the student is disorderly conduct, is interfering with an orderly educational process, or obstructs the teaching or learning process of others in the classroom, the student may be excluded from that teacher's classroom and if excluded may not re-enter that teacher's classroom for at least the remainder of the instructional day with that teacher. When this occurs:

- The principal shall communicate with the teacher within 24 hours of the student being excluded from the teacher's classroom about the exclusion in order to determine the severity of the behavior and factual information about what occurred;
- The teacher has 24 hours to create an electronic record and place the report of this action into the West Virginia Education Information System (WVEIS), without any repercussion to the teacher; and
- To the extent possible work must be provided to the student to complete during the removal.

If, at the discretion of the administration, the incident that led to the exclusion cannot be substantiated or does not rise to the level where a reasonable person would find disorderly conduct, interfering with an orderly educational process, or obstructing the teaching or learning process of others in the classroom that warrants an exclusion, the administration will make its findings known to the teacher, the student if possible will return from the exclusion, and that exclusion will not count as a "removal" for the purposes of the permitted three overall removals

If the student is removed from a classroom a total of three times in one month for one or more of the behaviors set forth above, and there is no other law prohibiting the removal of this student, the student shall receive as determined by the principal an in-school suspension, an out-of-school suspension, or may be considered for placement in alternative school.

For special education students, a school teacher shall remain cognizant that the student should not be excluded or removed for something that would be considered a part of their disability.

If a school principal refuses to allow the exclusion of a student from the classroom or if a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom the teacher may appeal in writing to the Superintendent, or their designee. That appeal must state what occurred in the classroom, all evidence supporting the same, what was done, and what the teacher thinks should have been done. The Superintendent or their designee shall review the appeal, discuss the issue with school administration and then reply, in writing, to the teacher within five school days, either denying or granting the appeal.

3. Bus exclusions

Bus drivers must follow the guidelines outlined in W. Va. §126CSR92, Policy 4336, West Virginia School Bus Transportation Policy and Procedures Manual. When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent or guardian. All students shall be transported until the parent or guardian has been properly notified of the exclusion. The principal/designee shall notify the parent or guardian when the child may resume riding the bus. If the inappropriate behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

B. Suspensions.

The purpose of suspension is to protect the students, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to an inappropriate behavior until the problem that caused the suspension is corrected.

A student is entitled to an informal hearing when faced with an out-of-school suspension of 10 days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why she/he should not be suspended. However, a student whose conduct is detrimental to the safety of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with out-of-school suspensions are outlined in W. Va. Code §18A-5-1 and §18A-5-1a and include:

- parent or guardian must be notified promptly in all cases of suspension;
- the suspension must be entered into WVEIS stating the reason and conditions pertaining to the suspension; and
- a suspended student may not participate in any school-sponsored activities and is not permitted on school grounds, if it is an out of school suspension, during the period of suspension.

Suspension may take one of two forms:

- In-School Suspension. Student is temporarily removed from the classroom(s) for disciplinary reasons but remains under the direct supervision of school personnel and continues to receive instructional support. Direct supervision means school personnel are physically in the same location as the student(s) under their supervision. Settings may include other locations within the school building or removal to another school, such as an alternative school, provided the student remains under direct supervision of school personnel.
- Out-of-School Suspension. Student is temporarily removed from the school for disciplinary reasons to another setting pursuant to W. Va. Code §18A-5-1a (e.g., home, community setting). This includes both removals in which no Individual Education Plan (IEP) services are provided because the removal is 10 days or less, as well as removals in which the student continues to receive services according to his/her IEP. The student is not under direct supervision of school personnel as defined under in-school suspension

The length of a suspension is determined by school administration after an appropriate investigation and informal hearing, but must be within the guidelines set in this policy. Under no circumstances may a student be suspended for more than ten consecutive school days without having the opportunity for a formal hearing as described in W. Va. Code §18A-5-1a(f). While suspended, a student must maintain access to instructional material and information necessary to maintain their academic progress.

B. Expulsion.

As described above, Expulsion from a Kanawha County School can occur if a violation of this policy rises to a Level III or IV violation. Once the expellable offense occurs and principal has decided to refer the student for expulsion, the student will first receive a 10-day out of school suspension and be provided notice of when the expulsion hearing will be held. That notice of a hearing shall be served upon the student and the student's parent(s), guardian(s) or custodian(s). The expulsion hearing will conform to relevant constitutional and statutory requirements and shall be scheduled within the ten-day period of the suspension imposed by the principal following the informal hearing.

Kanawha County Schools uses an independent hearing examiner to conduct expulsion hearings, in accordance with W.Va. Code §18A-5-1b. At the expulsion hearing the school will present all pertinent facts of the violation to the hearing examiner and the student, parent(s) and/or guardian(s) will be provided an opportunity to present facts and witness to rebut or mitigate the schools report. Based on the presentations at the hearing, the hearing examiner will determine if the student committed the alleged violation. If the hearing examiner finds that the student did commit the alleged violation, the student shall be expelled.

For the Level IV violations of battery against a school employee, possession of a dangerous weapon, and sale of a narcotic, pursuant to W.Va. Code §18A-5-1a, a student shall be expelled for twelve consecutive months. The superintendent may lessen the mandatory twelve month period of expulsion if the circumstances of the pupil's case demonstrably warrant such a reduction following the guidelines provided in W.Va. Code §18A-5-1a(i). For all other violations which may be expelled for, the expulsion will be one school year, which means for the remainder of the semester and the following semester.

Either the parents or the Superintendent may appeal the Hearing Examiner's report to the Board of Education, within ten days from receipt of such report. In the event of such an appeal, the Board of Education will review the record of the hearing and make a decision within ten days from receiving the record.

The Superintendent may attempt to establish the student as a "dangerous student" as defined in W.Va. Code §18A-5-1a, at a hearing to determine the expulsion of the student. In the notice to the parent/guardian, the Superintendent shall state clearly whether the Superintendent will attempt to establish the student as a "dangerous student" and will include any evidence to support his claim in this notice of the hearing date and time.

- W. Va. Code §18A-5-1a defines a "dangerous student" as a student who is substantially likely to cause serious bodily injury to himself, herself or another individual within that student's educational environment, which may include any alternative education environment, as 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.
- If the board of education or hearing examiner finds that the student is a dangerous student, such student may not be provided alternative education pursuant to the conditions outlined in W.Va. Code §18A-5-1a but must re-evaluate this decision at least every three months.

With regard to students with disabilities, nothing in this policy may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act IDEA Amendments of 1997 or with West Virginia Board of Education Policy 2419, W.Va. §126CSR16 (Regulations for the Education of Exceptional Students).

In the event a student has been suspended three times for ten days or more, cumulatively, during any school year, the principal will conduct a school-based Student Assistance Team (SAT) meeting, with the goal of addressing the behavior meaningfully at the school. If after the school-based SAT, the behavior persists, resulting in additional suspensions, the principal may refer the student to the County Student Assistance Team to review the student's disciplinary history and any interventions and strategies employed and to suggest any additional interventions and strategies designed to assist the student in becoming more successful at school. For a student in grades pre-K – 5, the

above-described review will be provided by the Assistant Superintendent of Elementary School of Elementary Schools.

Enrollment Affidavits. Upon the enrollment of any student (except students who are enrolling in a school for the first time) the student's parent, guardian or custodian must complete an affidavit indicating whether the student is under suspension or expulsion from another school district.

25.11 Use of Physical Punishment Prohibited.

West Virginia Code §18A-5- 1(e) prohibits school employees from using corporal (bodily) punishment on any student. No physical punishment of any kind can be inflicted upon a student. This includes:

- hitting or striking a student on their physical person;
- requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- use of noxious stimuli (e.g. pepper spray), denial of food or water or other negative physical actions to control behavior; and
- seclusion - a removal in which a student is left unsupervised in a dark area or in any space as an intervention or consequence to inappropriate behavior.

25.12 Use of Restraint.

Reasonable force may be used to restrain a student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the student and others. When the use of physical restraint is necessary, the following guidelines must be followed:

- shall be limited to the use of such reasonable force as is necessary to address the emergency;
- shall not restrict breathing (e.g. prone restraint); place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat; or cause physical harm;
- shall be discontinued at the point at which the emergency no longer exists;
- shall be implemented in such a way as to protect the health and safety of the student and others; and
- shall not deprive the student of basic human necessities.

Definitions:

- Restraint - the use of physical force to significantly restrict the free movement of all or a portion of a student's body.
- Emergency - a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

Appropriate (intended use) utilization of mechanical restraints, such as seat belts or feeding tables, when applied for their intended purpose is not prohibited. The application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

A core team of personnel in each school, including an administrator designee and any general or special education personnel likely to use restraint, must be trained annually in the use of:

- nationally recognized restraint process, and
- current professionally accepted practices and standards regarding behavior interventions and supports including prevention and de-escalation techniques.

Any non-trained personnel called upon to use restraint in an emergency must receive training within 30 days following the use of restraint if the principal determines the situation is likely to reoccur.

Comprehensive documentation and immediate notification of restraint usage is required, as follows:

- Immediately following the use of restraint (within one hour) - The principal or designee must be provided verbal and written notification that restraint was used on a given student with a description of the restraint process used.
- Same day - A good faith effort shall be made to verbally notify the parents/guardian regarding the use of restraint.
- Within one school day - Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian.
- Within one school day - Written documentation regarding the use of restraint must be placed in the student's official school record. The information must be available to determine the relationship of a student's behavior as it impacts the student's learning and/or the creation or revision of a behavior intervention plan.
- Written notification to the parents/guardian and documentation to the student official school record shall include the following:
 - Name of the student;
 - Name of the staff member(s) administering the restraint;
 - Date of the restraint and the time the restraint began and ended;
 - Location of the restraint;
 - Narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
 - Documentation of all parental contact and notification efforts.

25.13 Cooperation with Law Enforcement.

- A. Police have the responsibility to enforce laws in order to protect all citizens. Police can enter schools if they suspect a crime has been committed, if they have a warrant for an arrest or search, or if their assistance has been requested by school officials. It is the duty of the school officials, teachers, and students to cooperate with the police and each other to ensure that the rights of all involved persons are respected.
- B. Prevention Resource Officers (PRO): PRO Officers are certified police officers, working as fulltime officers who have been assigned to work fulltime within a public school during the school year. The PRO Officer's duties, salary and other conditions should be determined through an agreement with the county board of education and the PRO Officer's authorized police department. The principal is the PRO Officer's immediate supervisor while the officer is present in the school. There may be a time when, during the course a PRO Officer's duties, the officer's position as a law enforcement officer would take precedence.

- C. **Police Conducting an Investigation in the School:** During a criminal investigation, if a student is to be questioned by the police, or by school officials in the presence of the police, the school administration should cooperate with the police and help to ensure that the privacy of the student is protected. If a student is under 18 years of age, prior to permitting a student to be questioned by any law enforcement officer, other than a PRO, school personnel shall contact the student's parent/guardian and receive permission for the student to be questioned. The police officer shall determine if and when the use of restraints is necessary to control an unruly student to prevent the student from harming him/herself or others.

25.14 Complaint Procedures.

All violations of the Student Code of Conduct observed by school employees or by students must be reported to the principal or assistant principal for appropriate action to be taken as specified in this policy. Failure on the part of an employee to report a violation of this policy may be addressed by way of West Virginia Board of Education Policy 5310, W.Va. Code §126CSR142 (Performance Evaluation of School Personnel) or the evaluation of a service personnel. The Superintendent may also recommend such disciplinary action as may be deemed appropriate, up to and including termination, for failure by an employee to report and take appropriate action for violations of this policy.

Any person who believes he or she has been the victim of a Student Code of Conduct violation or any person with knowledge or belief of conduct which may constitute a violation of the Student Code of Conduct may report the alleged acts immediately to the principal or assistant principal. Nothing in this policy shall prevent any person from reporting violations directly to the county superintendent, as appropriate, to the West Virginia Human Rights Commission, or to a law enforcement agency.

25.15 Action and Reporting.

The principal, superintendent or designee shall immediately enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of the Student Code of Conduct.

25.16 Reprisal.

It shall be a violation of this policy for any student to retaliate against any person who is involved in any disciplinary action against any student. The principal shall take appropriate action such as in-school suspension, out of school suspension, referral to County SAT for possible placement in alternative school, or expulsion against any student who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

It shall also be a violation of this policy to file a false report concerning a violation of this policy. The principal will take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.

Reference: W.Va. Code §18A-5-1 et seq.; 126 CSR 96; Title IX of the Educational Amendments of 1972; West Virginia Board of Education Policy 4373

Authority. -- W.Va. Constitution, Article XII, §2, and W.Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2C-1 et seq., 18-2-33, 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 61-2-15, 61-7-2, 61-7-11a, 60A-7-11a; and West Virginia Board of Education Policy 4373.

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