

Wayne County Board of Education
Policies Update: (Students) (13)

- ***Policy 5113 (Students: Open Enrollment for Non-Resident Students)***
- ***Policy 5200 (Students: Attendance)***
- ***Policy 5223 (Students: Absences for Religious Ordinances and Instruction)***
- ***Policy 5460 (Students: Graduation Requirements)***
- ***Policy 5500 (Students: Student Code of Conduct)***
- ***Policy 5511 (Students: Dress and Grooming)***
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- ***Policy 5610 (Students: Exclusion from Classroom or School Bus, Suspension, and Expulsion of Students)***
- ***Policy 5722 (Students: School-Sponsored Student Media)***
- ***Policy 5780.01 (Students: Parents' Bill of Rights)***
- ***Policy 5840 (Students: Student Groups)***
- ***Policy 5895 (Students: Student Employment)***

***Your comments concerning these policy should be sent
in writing (mail or email) to:***

***Mr. Todd Alexander
Superintendent
Wayne County Board of Education
PO Box 70
Wayne, WV 25570
Email: talexand@k12.wv.us***

***These policies are out for public comment for 10 working days beginning
Tuesday, April 21, 2026 through Monday, May 4, 2026***

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Vol 16-2/Vol 17-2 Ready for TAA/Director
Title	OPEN ENROLLMENT FOR NONRESIDENT STUDENTS
Code	po5113
Status	
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5113 - OPEN ENROLLMENT FOR NONRESIDENT STUDENTS

Nonresident students shall be permitted to enroll in a school or program of this County on a case-by-case basis, provided each enrollment is in accordance with laws and regulations of the State concerning nonresident student enrollment and transfer, the provisions of this policy including that the student has not previously transferred within the same school year, and the administrative guidelines established to implement this policy. Transfers of nonresident students from one county to another does not require the approval of the County Board in which the student resides.

~~The~~ This policy and process for enrollment applications shall be clearly publicized to parents and the general public, including dates and timelines, and shall be made available in the Board's website. ~~The Board shall also establish a process for nonresident students to enroll in any school within the County on a case by case basis at anytime during the academic year so long as all other requirements are met including that the student has not previously transferred within the same school year. This policy shall not discriminate against nonresident students on the basis of their residential address or any potential disability status.~~ This policy shall not be discriminatory against nonresident students on the basis of their residential address or disability status.

A student transfer cannot be refused because the student seeks to transfer from a private, parochial, church, or religious school located in the sending county and holding an exemption approved pursuant to WV Code 18-8-1(k).

Enrollment policies are subject to the following criteria:

A. The County shall give enrollment preferences to:

1. (x) Siblings of students already enrolled through the open enrollment policy;
2. (x) Secondary students who have completed 10th grade and, due to family relocation, become nonresident students, but express the desire to remain in a specific school to complete their education;
3. (x) Students who are children, grandchildren, or legal wards of employees of the nonresident receiving county;
4. (x) Students whose legal residences, though geographically within another county, are more proximate to a school within the receiving county, whether calculated by miles or transportation time; and/or
5. () Students who reside in a portion of a sending county where topography, impassable roads, long bus rides, or other conditions prevent the practicable transportation of the nonresident student to a school within the sending county, and a school within the receiving county is more easily accessible

B. The receiving Board may, but is not required to, provide ~~an adequate means of~~ transportation to for a nonresident ~~student's residence~~ student whose transfer application has been approved, subject to the following:

1. The receiving ~~board~~ county is not required to uniformly provide transportation to nonresident students.

2. In determining whether to provide transportation to a nonresident student, the receiving county may consider whether the nonresident student meets the eligibility criteria for free or reduced price lunch and milk established within the Richard B. Russell National School Act (42 U.S.C. 1758).
 3. For nonresident students with an IEP that specifies transportation is necessary fulfillment of the program, the receiving county shall either:
 - a. provide transportation to and from the school the nonresident is attending and the nonresident student's residence;
 - b. provide transportation to and from an agreed upon point on a regular transportation route within the receiving county; or
 - c. provide payment in lieu of transportation for the total miles traveled each day to and from the nonresident student is attending and the nonresident student's residence.
- C. The receiving county may only ~~may~~ deny a transfer application for the following reasons:
1. There is a lack of grade level capacity in the receiving county. Lack of grade level capacity means if approval of the transfer request would result in the receiving county being required to employ additional staff or compensate a classroom teacher pursuant to WV Code 18-5-18a.
 2. Lack of programs or services due to areas identified on the county board's critical need policy.
 3. ~~The commission of a Level 3 or Level 4 inappropriate behavior as defined by West Virginia Board of Education Policy 4373 in the last year.~~ The nonresident student has committed a level 3 or level 4 behavior as defined by Policy 4373 within the last calendar year.
- D. In the event a nonresident student fails to fill out or submit ~~an open enrollment~~ transfer application correctly, the Board staff shall provide an explanation ~~of the ways in which the application may be corrected and submitted for necessary approval~~ to the student that will assist the student with correcting the application and submitting it for approval.
- E. All denials of transfer applications shall be in writing, include an explanation for the denial; and, include information on how the denial may be appealed to the State Superintendent of Schools (State Superintendent). The written denial shall be provided to the parents/guardians of the nonresident student and the State Superintendent within three (3) business days of the date the receiving county denied the transfer application.

Revocation of Open Enrollment for Nonresident Students

Out of County placement may be revoked due to chronic absenteeism, tardiness, behavioral infractions categorized as level three or four as defined in WVBE policy 4373, or failure to comply with agreed upon conditions of the transfer established between the prents/guardians and the County.

Funding for Nonresident Students

- A. The Board may enter into agreements with other county boards for the transfer and receipt of any funds determined to be fair when students are permitted or required to attend school in a county school district other than the county school district of their residence. These agreements are subject tot he approval of the West Virginia Board of Education.
- B. If a nonresident student begins attending school in the receiving county after the second month of the school year, the receiving county may issue, in the following fiscal year, an invoice to the sending county for the pro rata amount the receiving county would have received under the state basic foundation program had the nonresident student been included in the receiving county's net enrollment for the prior year. The sending county shall reimburse the receiving county the amount of the invoice.
- C. If a nonresident student begins attending school in the receiving county after the second month of the school year, the receiving county may issue, in the following fiscal year, an invoice to the sending county for the pro rata amount the receiving county would have received under aid to exceptional students had the nonresident student been included in the receiving county's net enrollment for the prior year. The sending county shall reimburse the receiving county the amount of the invoice.

- D. If a nonresident pre-k student begins attending school in the receiving county after the child count of exceptional students is certified for a school year, the receiving county issue, in the following fiscal year, an invoice to the sending county for the pro rata amount the receiving county would have received under aid to exceptional students had the nonresident student been included in the receiving county's net enrollment for the prior year. The sending county shall reimburse the receiving county the amount of the invoice.

Transfer Application Appeals

~~Any nonresident student whose transfer application is denied may file an appeal with the State Superintendent.~~

~~The State Superintendent must receive the transfer application appeal within thirty (30) days of the date the receiving county denied the transfer application.~~

~~The State Superintendent shall review the transfer application and the receiving county's denial decision and may hold a hearing if warranted.~~

~~The State Superintendent shall issue a decision on the appeal no later than five days prior to the start of a semester. If the transfer application appeal was not received in time for the State Superintendent to meet this deadline, the State Superintendent shall issue a decision as soon as practicably possible.~~

~~A decision issued by the State Superintendent shall be final.~~

DEFINITIONS:

A. Class/School Size

The restrictions on the number of students in a class/school due to State law, or financial or operating conditions and County policy.

B. County Student

A student who resides in this County.

C. Nonresident Student

Means a student who resides in the State of WV and who is enrolled in or is seeking enrollment in a county other than the county in which the student resides.

D. Open Enrollment

Means a policy adopted and implemented by a Board to allow nonresident students to enroll in any school within any school within the County. ~~Open enrollment is distinct from mutual agreement of two (2) Boards regarding mass transfer of students as contemplated in WV Code 18-5-13(f)(1)(c).~~

E. Program

Any one (1) of the specific course offerings of this County.

F. Program Size

The restrictions on a number of students in a program due to WV law and circumstances unique to that specific program, and/or financial or operating conditions of the County.

The Superintendent shall prepare guidelines for the implementation of this policy in ways that comply with relevant State laws and guidelines and establish procedures that provide for the following:

A. Compliance with Federal and State discrimination laws.

- ~~B. Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently residing within the County, may not be denied enrollment in the County school system unless determined to be a "dangerous student" under the procedures set forth in WV Code 18A-5-1a. County superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students (State Superintendent of Schools' Interpretation of January 26, 2007).~~

- C. Application procedures including the criteria by which applications from nonresident students shall be reviewed and prioritized. County students and any nonresident students previously enrolled under the provisions of this policy shall be given priority.
- D. Communications with applicants and their parents concerning this policy and the County's guidelines, including the timelines for application and notification of acceptance or rejection.
- E. Athletic eligibility complies with State regulations and the provisions set forth by the West Virginia Secondary Schools Activities Commission (WVSSAC).
- F. Any transportation provided by the County to the nonresident student takes place within established bus routes and bus stops within the County.
- G. Set County capacity limits by grade level, school building, and educational program. The Board reserves the right to modify the conditions under which nonresident enrollment would continue for any particular program, classroom, or school.

The Board shall report annually to the State Department of Education the number of resident and nonresident student transfers approved by the Board for the preceding school calendar year, as well as the number of ~~resident and nonresident~~ student transfer applications denied and the reasons for those denials prior to January 1. Information regarding the annual number of resident and nonresident student transfer approvals and denials shall also be made available on the Board's website. The Board reserves the right to modify the conditions under which nonresident enrollment would continue for any particular program, classroom, or school prior to January 1.

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Legal

West Virginia Board of Education policy 7212

WV Code 18-5-16

WV Code 18-5-16a

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Spec Update 9/24-Vol 17-2 Ready for TAAI/Directors
Title	ATTENDANCE
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5200 - ATTENDANCE

The educational program offered by this Board of Education is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The ~~District County~~ recognizes that a direct relationship exists between students' daily attendance and academic performance, graduation, and good work habits ~~in the workplace~~. While students and parents/guardians/custodians have the ultimate responsibility for daily school attendance, the laws of West Virginia require school administrators to enforce regular attendance of compulsory school-aged students and to provide a safe learning environment through engaging, high-quality instruction to encourage regular attendance. ~~To facilitate good attendance this school system will maintain a positive, safe environment conducive to learning, and commit to helping students develop responsibility, self-discipline, and other good work habits.~~

DEFINITIONS

Absence

Not being physically present ~~in the school facility~~ for any reason or failing to engage in virtual or remote learning in accordance with ~~District County~~ attendance policy.

All documentation relating to absences shall be provided to the school not later than three (3) instructional days after the first day the student returns to school; ~~failure to submit documentation shall result in an Unexcused Absence~~. In the event documentation is not provided to the school within three (3) instructional days after the first day the student returns to school, the absences are unexcused.

Allowable Deductions for Schools (Absenses not resulting in chronic absenteeism calculation)

Absences that result from ~~school approved curricular/co-curricular/extracurricular activities; failure of the bus to run and hazardous conditions; students not in attendance due to disciplinary measures and school/District directed placements outside the traditional classroom environment including but not limited to homebound placement and in-school suspension.~~

Attendance

A measure of exposure to instruction across all modes of learning, including in-person, virtual, and other settings, as defined under the section Student Presence below.

Attendance will be reported and aggregated to the nearest half day:

- A. Full-day attendance: Being present at least eighty percent (80%) ~~74~~ of the school day.
- ~~B. Three quarter (3/4) day absence: Being absent sixty percent (60%) to seventy nine percent (79%) of the school day.~~
- C. Half-day attendance: Being present at least forty percent (40%) to fifty-nine percent (59%) ~~50~~ of the school day.
- ~~D. Quarter day (1/4) absence: Being absent twenty percent (20%) to thirty nine percent (39%) of the school day.~~

Chronic Absenteeism

Missing ten percent (10%) or more of instructional days for any reason except absences that result from failure of the bus to run and students not in attendance due to disciplinary measures.

Compulsory School Age

Begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported kindergarten program and continues to the seventeenth birthday for as long as the student continues to be enrolled in a school system after the seventeenth birthday.

Dropout

A student who:

- A. was enrolled in school at some time during the previous school year and was not enrolled on October 1 of the current school year; or
- ~~B. was not enrolled on October 1 of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and~~
- C. has not graduated from high school, obtained a high school equivalency ~~Test Assessing Secondary Completion (TASC)~~ diploma, or completed a State- or County ~~District~~-approved education program; and
- D. does not meet any of the following exclusionary conditions:
 - 1. transfer to another in or out-of-state public school system, private school, registered home school, or State or County ~~District~~-approved education program;
 - 2. participates in a learning pod or micro school;
 - 3. temporary school-recognized absence due to suspension or ~~illness; illness,~~ or
 - 4. death.

Dropout Date

The school day following the student's last day of attendance.

Enrollment

A student is officially enrolled when one (1) of the following conditions occur:

- A. was enrolled the previous year
- B. appears at school to enroll with or without a parent/guardian, or
- C. appears at school to enroll with or without parent/guardian/custodian, and without records

Excused Student Absences

- A. Failure of the bus to run;
- ~~B. Medical or dental appointment with a valid written excuse from physician or dentist Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions, SAT Plan, IEP or 504 Plan and other Board approved excused absences.~~
- C. Personal illness or injury of the student- accompanied by a timely written excuse from the student's parent, guardian, or custodian. Provided: That the total absences under this section in combination with Item C (below) may not exceed more than ten (10) excuses per school year unless supported by a physician's note. Provided, however: That a medically documented chronic health condition or disability that adversely impacts in-person attendance

approved by a county school board or the principal is not subject to this limitation, and that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the Federal and State regulations adopted in compliance therewith.

- D. Personal illness or injury of the student's parent, guardian, custodian, or family member. The excuse must provide a reasonable explanation for the student's absence caused by the illness or injury in the family. The total absences under this section in combination with Item B (above) may not exceed more than ten (10) excuses per school year.
- ~~E. Medical or dental appointment with valid written excuse from physician or dentist.~~
- F. Documented chronic medical conditions or disability that may require multiple or regular absences. These conditions must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team.
- ~~G. Participation in homebound or hospital instruction due to an illness or injury or other extraordinary circumstances that warrants home or hospital confinement. In order to satisfy the requirements of West Virginia Board of Education policy 2510, Assuring the Quality of Education: Regulations for Education Programs, Policy 2412—Homebound/Hospital Instruction Program is incorporated by reference into this policy.~~
- H. Documented disabilities consisting of any mental or physical impairments that substantially limit one or more major life activities and are documented annually with a valid physician's note that explains the disability and the anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team.
- ~~I. Calamity, such as a fire or flood.~~
- J. Death in the family.
- K. School-approved or County-approved curricular or extra-curricular activities.
- L. Judicial obligation or court appearance involving the student.
- M. Military requirements for students enlisted or enlisting in the military.
- N. Up to five (5) college visits.
- O. Participation in an activity or program of a West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including, but not limited to, SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, 4-H, or FFA.
 - 1. A student who participates in an activity or program of a sanctioned student organization shall be credited as present by the school in which the student is enrolled in the same manner as a student participating in an educational field trip. The principal, or the principal's designee, shall not count a student absent for participating in an activity or program of the sanctioned group.
 - 2. An agent of the sanctioned organization shall provide documentation as proof of the student's participation in an activity or program creating the absence.
 - 3. The student shall make up any schoolwork missed while participating in the activity or program of the sanctioned organization and shall not have their class grades adversely affected for lack of attendance or class participation.
 - 4. A school principal, or the principal's designee, shall not credit a student who participates in an activity or program of the sanctioned organization as present if the student's participation in the activity or program occurs during any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program and the student's suspension, expulsion, or assignment to an alternative school or alternative program would preclude the student from participating in an educational field trip.

P. The total amount of excused absences for school-approved or county-approved curricular or extra-curricular activities, college visits, and activities or programs of sanctioned student organizations may not exceed more than ten (10) per school year.

Q. Nothing in this section shall interfere with the Every Student Succeeds Act (ESSA), 2015, which does not differentiate between excused and unexcused absences.

~~R. Personal or academic circumstances approved by the principal.~~

~~S. The District determines the following situations as excused absences provided that absences of students with disabilities shall be in accordance with the Individuals with Disabilities Education Improvement Act of 2004 and the Federal and State regulations:~~

- ~~1. () observation or celebration of a bona fide religious holiday~~
- ~~2. () attendance at approved religious instruction~~
- ~~3. () leaves of educational value with the following stipulations:~~
 - ~~a. prior approval of school administrator~~
 - ~~b. prior submission and approval of an educational plan detailing objectives and activities of leave~~
 - ~~c. verification of implementation of the educational plan upon student's return~~
 - ~~d. school administrator may approve a plan not to exceed ten (10) days~~
 - ~~e. Superintendent may approve a plan for more than ten (10) days~~
- ~~4. () contagious parasite conditions, such as lice, shall be excused absences, not to exceed two (2) days per incident~~

~~If the student's absences exceed two (2) days, the absences shall be unexcused unless written verification from a physician supports a longer time period.~~

[x] Absence During the School Day for Professional Appointments

Parents are to be encouraged to schedule medical, dental, legal, and other necessary appointments other than during the school day. Since this is not always possible, when a student is to be absent for part of the day:

- A. () the student shall have a statement to that effect from his/her parents;
- B. (x) the student shall bring a signed statement from the doctor, dentist, lawyers, counselor, etc. to the effect that s/he reported promptly for the appointment;
- C. (x) the student shall report back to school immediately after his/her appointment if school is still in session.

~~Attendance need not always be within Board-owned school facilities, but a student is considered to be in attendance if present at any place where school is in session by the Board.~~

~~The Board shall consider each student assigned to a program of other guided learning experiences to be in regular attendance for the program provided that s/he reports to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study. This includes approved home/hospital instruction for medical reasons with written documentation by a licensed physician who specializes in that health condition setting forth those extenuating circumstances requiring homebound instruction for a student deemed to be incapacitated and unable to attend school. The Board shall provide home/hospital instruction to students who are temporarily unable to attend classes for a period that has lasted or will last for more than three (3) consecutive weeks or more due to an injury or for any other reason as certified by a licensed physician who specializes in that health condition. Refer to Policy 2412, Homebound/Hospital Instruction Program.~~

Student Presence

- A. In-school. Participation in educational activities at a school building.

- B. Alternate Settings. Participation in educational activities in a location other than the school building due to specific approved circumstances, such as out-of-school placement and alternative learning programs.
- C. Homebound/Hospital Instruction. Participation in homebound or hospital instruction due to an illness, injury, or other circumstances that warrant home or hospital confinement.
- D. Virtual Learning/Engagement. Participation in virtual or remote learning at a location other than a school building, including engagement in a virtual school, a planned hybrid schedule, or a non-traditional learning day as defined by local policy.
- E. School Approved Activity. Participation in school, County, or State-approved curricular or extracurricular activities.

Unexcused Absence

Any absence not specifically included in the definition of excused absence.

Tardy

Any student who arrives at school after the start of the school day or is late reporting to his/her assigned location during the school day shall be considered to be tardy. A tardy may be excused or unexcused and shall be determined by the (x) school () teacher.

Homeless Children and Youth

As defined in the McKinney-Vento Act means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- A. children and youth who share the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals or other locations;
- B. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation;
- C. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- D. migratory children who qualify as homeless because the children or youth are living in circumstances as described in the above descriptions.

Meaningful Contact

"Meaningful Contact" means two-way communication by the school administrator or other school designee and the student's parent, guardian, or custodian to discuss the student's attendance record in an effort to prevent subsequent truancy or other legal proceedings relating to compulsory school attendance and to minimize additional absences. Methods of meaningful contact include, but are not limited to, phone calls, video conferencing, home visits, and the use of digital platforms. ~~Process, whereby an attendance director, assistant director, or building level administrator shall make meaningful contact with the parent/guardian/custodian to ascertain the reason(s) for Unexcused Absences and what measures the school may employ to assist the student in attending and not incurring additional Unexcused Absences.~~

System of Support Plan ("SOS Plan")

The System of Support Plan ("SOS Plan") refers to a plan to be developed by the State Board of Education designed to encourage students to attend school. It shall, at a minimum, require county attendance directors, principals, or other school designees to make periodic contact with the parent, guardian, or custodian of a student subject to compulsory school attendance to ascertain the reason or reasons for the student's absence or absences and what measures the school may employ to assist the student in attending school and not incurring additional absences. It shall also impart upon the student's parents, guardians, and custodians the importance of the student's attendance and the seriousness of failing to do so.

Satisfactory Academic Progress

Satisfactory academic progress means the attaining and maintaining of grades sufficient to allow for graduation and coursework in an amount sufficient to allow graduation in five (5) years or by age nineteen (19), whichever is earlier. This calculation includes the minimum annual earning of five (5) credits to be on track to graduate in five (5) years based on the graduation requirements set forth in WVBE policy 2510. Three (3) of the five (5) credits earned annually must be in the graduation requirements in WVBE policy 2510.

School of Origin

The school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Transfer

Transfer is a process by which a student ends enrollment or attendance in one location and begins enrollment or attendance in a second location (e.g., within a ~~district county~~, between ~~districts counties~~, or out of state). This can be evidenced through a transcript request or other documentation that the student is continuing elementary or secondary education.

RESPONSIBILITIES

A. Student and Parent/Guardian/Custodian

Foremost, it is the legal responsibility of the parent, guardian, or custodian to make sure their child attends school regularly and on time while enrolled in school. Attendance and reporting to class on time shall be required of all students enrolled in the schools during the days and hours that the school is in session. () or during the attendance sessions to which s/he has been assigned. **[END OF OPTION]**

B. Parent/Guardian/Custodian/Adult Student

Each ~~Building building~~ principal shall require, from the parent, guardian, or custodian of each student of compulsory school age or from an adult student who has been absent from school or from class for any ~~reason, reasons~~ a written documentation not later than three (3) instructional days after the first day the student returns to class of the cause for such absence. In the event documentation is not provided to the school within three (3) instructional days after the first day the student returns to school, the absences are unexcused. The Board reserves the right to verify such statements and to investigate the cause of each single absence or prolonged absence.

~~Repeated infractions of Board policy on attendance, including repeated tardiness, may result in disciplinary actions which may include, but are not limited to, detention, extra class time, and/or alternative class settings.~~

Each parent, guardian, or custodian will be responsible for fully cooperating in and completing the enrollment process by providing: immunization documentation (WV Code 16-3-4), copy of a certified birth certificate or affidavit (WV Code 18-2-5(c)), signed suspension and expulsion document (WV Code 18-5-15), and any other documents required by Federal, State, and/or local policies or code.

C. Board

The Board shall establish an attendance policy as described in WV policy 4110.

The Board shall employ a certified Director of Attendance as required by ~~WV Code 18-8-3-4~~ State law.

The Board shall support and require the Attendance Director to implement and execute the duties as defined in ~~WV Code 18-8-4~~ State code including the requirement to serve as the liaison for homeless children and youth.

The Board shall support and require the principal of each school to implement and execute the duties as defined in ~~WV Code 18-8-5~~ State code.

D. Attendance Director

The Attendance Director and the Attendance Director's assistant shall devote as much time as is required to the duties of the Attendance Director. All attendance directors and assistants hired for more than 200 days may be assigned other duties determined by the Superintendent during the period in excess of 200 days. Under the direction of the Superintendent, the county attendance director is responsible for efficiently administering school attendance in the County by: ~~The Attendance Director and/or assistant director shall diligently promote regular school attendance through meaningful contact. They shall ascertain reasons for unexcused absences from school of students of compulsory school age and students who remain enrolled beyond the compulsory school age. They shall~~

~~take such steps as are, in their discretion, best calculated to encourage the attendance of students and to impart upon the parents/guardians/custodians the importance of attendance and the seriousness of failing to attend school regularly.~~

1. ensuring the implementation of the "SOS Plans" within the County, including encouraging the attendance of students and imparting to the parents, guardians, and custodians the importance of attendance and the seriousness of failing to do so;
2. ensuring accurate attendance records and related documentation shall be maintained for every student enrolled in the public school;
3. cooperating with existing State and Federal agencies charged with the enforcement of child labor laws;
4. promoting attendance in the County by compiling data for schools and by furnishing suggestions and recommendations for publication through media or in any manner directed by the Superintendent;
5. participating in teachers' conferences with parents, guardians, custodians, and students as appropriate;
6. assisting in other ways as directed by the Superintendent to improve school attendance;
7. making home visits of students who have excessive Unexcused Absences or if requested by the chief administrator, principal, or assistant principal;
8. supporting and requiring the principal to implement and execute the duties as defined in WV Code 18-8-5.

In addition to those duties directly relating to the administrator of attendance, the Attendance Director and the Attendance Director's assistant may assist schools with establishing data practices for collecting meaningful and actionable data. They may also support the schools in determining the protocol for analyzing data and selecting a school-based team to support attendance. The Attendance Director and their assistant shall also:

1. ensure that the public notice of the educational rights of students in homeless situations is disseminated in locations frequented by parents, guardians, and/or custodians of such students;
2. ensure that parents/guardians/custodians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
3. ensure that parents/guardians/custodians are informed of, and assisted in accessing, all transportation services for their children, including to the school or origin;
4. ensure unaccompanied youth are informed of their status and help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of the right to appeal the County's decision;
5. immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;
6. ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
7. ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of the County;
8. ensure that homeless families, children, and youths receive educational services for which such families, children, and youth are eligible, including Head Start and preschool programs administered by the local educational agency, including early intervention services under Individuals with Disabilities Education Improvement Act of 2004 (IDEA), and referrals to health care services, dental services, mental health services, and other appropriate services;
9. ensure that enrollment disputes are mediated as outlined in the McKinney-Vento Act (42 U.S.C. 11431 et seq.). In the case of five (5) total Unexcused Absences, the Attendance Director, assistant director, or principal shall again make meaningful contact with the parent/guardian/custodian of the student to ascertain the reasons for the Unexcused Absences and what measures the school may employ to assist the student in

attending school and not incurring any additional Unexcused Absences.

In the case of three (3) total Unexcused Absences of a student during a school year, the Attendance Director, assistant, or principal shall make meaningful contact with parent, guardian, or custodian of the student to ascertain the reasons for the Unexcused Absences and what measures the school may employ to assist the student in attending and not incurring any additional Unexcused Absences. If the student has five (5) unexcused absences, the Attendance Director, assistant director, or principal shall again make meaningful contact with parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional Unexcused Absences.

~~In the case of five (5) total Unexcused Absences, the Attendance Director or assistant director or principal shall again make meaningful contact with the parent/guardian/custodian of the student to ascertain the reasons for the Unexcused Absences and what measures the school may employ to assist the student in attending school and not incurring any additional Unexcused Absences.~~

In the case of ten (10) total Unexcused Absences during the school year, the Attendance Director or assistant director may file a complaint against the parent, guardian, or custodian before a magistrate of the county. Jurisdiction to enforce compulsory school attendance laws lies in the county in which a student resides and in the county where the school at which the student is enrolled is located. When the county of residence and enrollment are different, an action to enforce compulsory school attendance may be brought in either county, and the magistrates and circuit courts of either county have concurrent jurisdiction for the trial of offenses arising under this policy. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall be issued to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of the summons or warrant issued pursuant to WV Code 18-8-4 shall be attempted within ten (10) calendar days of the receipt of the summons or warrant and subsequent attempts shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

When calculating Unexcused Absences for the purpose of making complaints against a parent, guardian, or custodian before a magistrate, Unexcused Absences resulting from suspensions or expulsions from school shall not be considered.

~~The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in WV Code 50-1-8 shall assign the case to a magistrate within ten (10) days of execution of the summons or warrant. The hearing shall be held within twenty (20) days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten (10) days advance notice of the date, time, and place of the hearing.~~

When any doubt exists as to the age of a student absent from school the Attendance Director ~~or assistant director have authority to~~ and the Attendance Director's assistants may require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student, stating the age of the student. In the performance of their duties, the Attendance Director ~~or assistant~~ and the Attendance Director's assistants have authority to take without warrant any student absent from school in violation of the provisions of this policy and to place the student in the school, in which the student is or should be enrolled.

~~All attendance directors and assistant directors hired for more than 200 days may be assigned other duties determined by the Superintendent during the period in excess of 200 days. The Attendance Director is responsible under direction of the Superintendent for efficiently administering school attendance in the District.~~

~~In addition to those duties directly relating to the administration of attendance the Attendance Director and assistant director shall: 1) assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law; 2) confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees; 3) cooperate with existing State and Federal agencies charged with enforcing child labor laws; 4) promote attendance in the District by compiling data for schools and by furnishing suggestions and recommendations for publication through media, or in such manner as the Superintendent may direct; 5) participate in school teachers' conferences with parents and students; 6) assist in such other ways as the Superintendent may direct for improving school attendance; and 7) make home visits of students who have excessive Unexcused Absences, as provided above, or if requested by the chief administrator, principal, or assistant principal.~~

~~The Attendance Director shall serve as the liaison for homeless children and youth as defined in WV Code 18-8-4 and McKinney Vento Act. As the liaison for homeless children and youth, the Attendance Director shall:~~

- ~~1. ensure that the public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services;~~
- ~~2. ensure that parents/guardians/custodians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;~~
- ~~3. ensure that parents/guardians/custodians are informed of, and assisted in accessing, all transportation services for their children, including to the school or origin;~~
- ~~4. help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide the youth with notice of the right to appeal the Board's decision;~~
- ~~5. immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained;~~
- ~~6. ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;~~
- ~~7. ensure that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that district;~~
- ~~8. ensure that homeless families, children, and youths receive educational services for which such families, children, and youth are eligible, including Head Start and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;~~
- ~~9. ensure that enrollment disputes are mediated as outlined in Paragraph (3)(E) of Subtitle B of Title VII of the McKinney Vento Act (42 U.S.C. 11431 et seq.);~~

The Attendance Director shall file with the Superintendent and Board, at the close of each month, a report showing activities of the attendance office and the status of attendance in the ~~District County~~ at the time due to provisions in WV Code 18-8-4.

The Attendance Director shall review the terms of this policy on an annual basis for the purpose of determining effectiveness and shall make recommendations to the Board regarding proposed amendments to this policy when deemed appropriate. ~~District County~~ central office staff shall provide opportunities for input from teachers, principals, attendance directors, parents/guardians/custodians, and community leaders when developing or revising the attendance policy.

E. ~~County Board of Education~~ staff shall:

1. support schools with creating positive and safe learning environments through engaging, high-quality instruction;
2. develop a process to notify students and their parents/guardians/custodians of the County attendance policy and their responsibility and accountability for regular school attendance;
3. ensure accurate attendance records and related documentation shall be maintained for every student enrolled in public school;
4. ensure all students shall be scheduled in the defined high school coursework, college courses, CTE programs, credit recovery, Option Pathway, experiential learning, or virtual college courses for the full instructional day during grades 9 - 12 per Policy 2510;
5. assure that a student may not be suspended solely for failure to attend class;
6. report student attendance information reflecting the allowable deductions defined by the WVBE;

7. report all school dropouts to the WVDE; and
8. ensure that the County attendance policy is posted on the Board's website and readily available to the public.

F. The school shall:

1. ensure positive and safe learning environments through engaging, high-quality instruction;
2. select a school-based or SAT team with an attendance focus to meet the requirements of WV Code 18-8-5;

This team will determine the practices for collecting actionable data, the protocol for analyzing the data, and reporting the findings to the Attendance Director or their assistants. The report should include:

- a. all cases of Unexcused Absences arising within the school that require the services of an Attendance Director;
 - b. documentation of meaningful contact after three (3) and five (5) days of Unexcused Absences.
3. meet with the parent/guardian/custodian of a student who has accumulated five (5) Unexcused Absences from school during any quarter of the school year;
- A student whose educational services are guided by an existing SAT, IEP, or Section 504 Plan may warrant special consideration when a pattern of single, multiple, or chronic absences exists. The student's current status should be reviewed by the SAT, IEP team, or Section 504 team as deemed appropriate and in accordance with State and Federal laws.
4. create an SOS Plan for universal prevention and targeted and intensive interventions to address absenteeism at their school;
 5. ensure accurate attendance records and related documentation shall be maintained for every student enrolled in public school; including an up-to-date daily record of attendance for every student shall be maintained and students who are physically absent from school must be documented as absent. This record may become a legal document.

G. Principal

The principal shall implement and execute the duties as defined in WV Code 18-8-5.

The principal shall compare school numbers with school enrollment monthly.

In the case of three (3) and five (5) total Unexcused Absences, the Attendance Director, ~~or assistant director or their assistant,~~ or the principal shall make meaningful contact with the parent/guardian/custodian of the student to ascertain the reasons for the Unexcused Absences and what measures the school may employ to assist the student in attending and not incurring any additional Unexcused Absences.

It shall be the duty of the principal of each school, whether public or private, to make meaningful contact and provide prompt reports to the Attendance Director, or proper assistant director, of all cases of Unexcused Absences arising within the school ~~which~~ that require the services of an attendance worker.

A student whose educational services are guided by an existing SAT Plan, IEP, or 504 Plan may warrant special consideration when a pattern of single, multiple, or chronic absences exists. The student's current status should be reviewed by the SAT, IEP, or 504 team as deemed appropriate and in accordance with State and Federal laws.

Nothing in this policy is intended to limit the ability of a person having knowledge of a student's habitual absence from school from filing a petition with the circuit court pursuant to WV Code 49-4-704.

Principles of Operation

- A. The principal or principal's designee are designated as school attendance coordinators and shall collect or cause to be collected classroom attendance data and make appropriate referrals to the Attendance Director.
- B. Persons charged with reporting student attendance information shall provide information that reflects allowable deductions as defined by the West Virginia Department of Education.

- C. Reasonable preventive measures and consequences for student tardiness: Tardiness is considered to be disruptive behavior by a student and is a violation of the Student Code of Conduct and shall be dealt with accordingly. The preventive measures, outlined in a separate section of this policy, shall be observed to reduce tardiness.
- D. Students may not be suspended solely for failure to attend class. Other measures of discipline may include, but are not limited to detention, extra class time or alternative class settings.
- E. All school dropouts shall be reported to the West Virginia Department of Education.
- F. All students in grades 9-12, in order to obtain the full benefit from the educational programs offered, shall be scheduled in the defined high school curriculum, college courses, career/technical programs, credit recovery, Option Pathway, experiential learning or virtual school courses for the full instructional day for four (4) years except for the following compelling circumstances, which procedures have been approved by the West Virginia Board of Education:
 - 1. () _____
 - 2. () _____
 - 3. () _____
- G. No more than a parental excuse may be required for absences resulting from a documented chronic medical condition or a documented disability as defined in this policy.

Student Pregnancy and Parenting Responsibilities (Jacie's Law)

Parents of children throughout any age in middle or high school should be given the utmost support because they face a unique set of challenges and circumstances on their road to graduation. The County shall implement programs to provide educational support to those students with children at any age through graduation.

A student's absence due to a student's pregnancy or parenting needs is an excused absence as provided in State law. The County will comply with WVBE policy pertaining to student absences associated with pregnancy or parenting needs.

The County shall make reasonable efforts to encourage student parents to remain on track for graduation by providing academic support options including, but not limited to, work provided virtually and a homebound instructor for weekly visits to ensure accountability.

Process and Procedures

Parental awareness, support, and involvement are essential to a successful attendance policy. Parents are encouraged to support the policy by sending their children to school regularly and on time. The ~~District-County~~ recognizes the importance of the home and school connection and strongly encourages parents to become aware of the policies and regulations of the Board and their child(ren)'s school. Parents should become familiar with the rights and responsibilities that are contained in this policy and the school's handbook. The attendance policy will be posted on the ~~District's-County's~~ website and readily available to the public. **[x]** Parents will be notified of the ~~District-County~~ attendance policy annually by the () Superintendent **(x)** principal during the first week of school. **[END OF OPTION]** Parents of students enrolling in school after the beginning of the school term will be provided the policy () upon registration. () within one (1) week of registration. **[END OF OPTION]**

Students will be provided the opportunity to make-up work missed as a result of an excused or unexcused absence. The make-up work shall be completed within the following formula: for each missed day the student shall be granted an additional day to make-up said work; therefore, the student shall make-up work for the first missed day on the first day of return to school and shall make-up all other days of missed assignments respectively in the same manner.

Students and parents have the right to appeal decisions regarding the implementation of this policy. Requesting an informal conference shall be the first step in the appeal. If not satisfied after the informal appeal, a citizen's appeal may be filed in accordance with West Virginia Board of Education policy 7211.

Maintenance of Records

An accurate, up-to-date, daily record of attendance for every student must be maintained using the West Virginia Information System (WVEIS).

Written procedures for notifying parents/guardians/custodians about absences, monitoring absences and notifying the Attendance Director must be established.

Students who are physically absent from school must be documented as absent. This document may become a legal document.

Prevention and Corrective Measures

Each school shall develop and implement a system of incentives and rewards to maintain and improve school attendance and to reduce tardiness. This plan is to be consistent with the intent of the West Virginia Board of Education's System of Support Plan. Parents, school staff, and students must be involved in its development of the local plan. These systems or programs may consist, but are not limited to personal and group, recognition programs, granting special privileges, free admission to school and community events, etc. These programs shall not violate State or District-County policies and regulations.

The following preventive and corrective measures will be utilized:

- A. ☒ assign the student to a truancy intervention program
- B. ☐ provide counseling to the student
- C. ☐ request or require the student's parents/guardians/custodians to attend a parental involvement program
- D. ☐ request or require a parent to attend a truancy prevention mediation program
- E. ☒ take appropriate legal action
- F. ☐ Other _____

~~* The Superintendent is authorized to establish an educational program for parents of habitually and chronically truant students which is designed to encourage parents to ensure that their children attend school regularly.~~

~~* Any parent/guardian/custodian who does not complete the program may be reported to law enforcement authorities for parental education neglect.~~

Students with a pattern of excessive absenteeism shall be referred to appropriate student assistance teams/programs (West Virginia Board of Education policy 2510) for appropriate interventions. Student assistance teams/programs shall periodically review interventions to determine their effectiveness.

School Attendance as a Motor Vehicle Driver's License Restriction

- A. Whenever a student at least fifteen (15) but less than seventeen (17) years of age, withdraws from school, the attendance director or chief administrator shall notify the Division of Motor Vehicles of the student's withdrawal no later than five (5) days from the date of the withdrawal with the following exceptions. No notice shall be sent to the Division of Motor Vehicles to restrict the student's motor vehicle operator's license whenever the withdrawal from school of the student, the student's failure to enroll in a course leading to or to obtain a GED or high school diploma is due to a circumstance or circumstances beyond the control of the student, or the withdrawal from school is for the purpose of transfer to another school as confirmed in writing by the student's parent or guardian to the Division of Motor Vehicles. If the student is applying for a license under the same exceptions above, the attendance director or chief administrator shall provide the student with documentation to present to the Division of Motor Vehicles to excuse the student from permit restrictions. The County School District Superintendent (or the appropriate school official) with the assistance of the District-County attendance director and any other staff or school personnel shall be the sole judge of whether any of the grounds for restriction of a license as provided by this policy are due to a circumstance or circumstances beyond the control of the student.
- B. Within five (5) days of receipt of the withdrawal notice, the Division of Motor Vehicles shall send notice to the student that the student's instruction permit or license to operate a motor vehicle will be restricted to driving for work or medical purposes or educational or religious pursuit under the provisions of WV Code 17B-3-6 on the 30th day following the date the notice was sent unless documentation of compliance is received by the Division of Motor Vehicles before that time. The notice shall also advise the student that s/he is entitled to a hearing before the District-County Superintendent of Schools or his/her designee concerning whether the student's withdrawal from school was due to a circumstance or circumstances beyond the control of the student. If restricted, the division may not reinstate an instruction permit or license until the student returns to school or the student attains seventeen (17) years of age.

- C. For the purposes of this section and pursuant to WV Code 18-8-11, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) days total, unexcused absences during a school year or suspension pursuant to WV Code 18A-5-1a(a) and (b). Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person.
- D. "Circumstances outside the control of the student" shall include, but not be limited to, medical reasons, familial responsibilities, and the necessity of supporting oneself or another.

The Superintendent shall develop administrative guidelines that:

- A. **(x)** establish proper procedures so the student and his/her parents are provided the opportunity to challenge the attendance records;
- B. **()** establish a school session that is in conformity with the requirements of the rules of the West Virginia Board of Education;
- C. **(x)** governing the keeping of attendance records in accordance with the rules of the West Virginia Board of Education;
- D. **(x)** identify the habitual and chronic truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. **(x)** provide students an opportunity to make-up work they missed and receive credit for the work, if completed;
- F. **()** refer for evaluation any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the school system's limit on excused absences to determine eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, or other appropriate legislation or policy.

The Board certifies that prior to the most recent revision of this policy, input was sought from teachers, principals, the Attendance Director, parents/guardians/custodians, and community leaders.

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Legal

WV Code 17B-2-3 and 5
 WV Code 17B-3-6
 WV Code 18-2-5
 WV Code 18-5-15
 WV Code 18-8-2(d)
 WV Code 18-8-3 and 4
 WV Code 18-8-6
 WV Code 18A-5-1
 WV Code 18A-5-118-8-11
 West Virginia Board of Education policy 2422.2
 West Virginia Board of Education policy 2510
 West Virginia Board of Education policy 4110
 West Virginia Board of Education policy 4373
 42 U.S.C. 11431 et seq.

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Spec Update-November 2025-Ready for TAA/Director
Title	Revised Policy - Special Update - November 2025 - ABSENCES FOR RELIGIOUS ORDINANCES AND INSTRUCTION
Code	po5223
Status	
Adopted	May 26, 2015

Revised Policy - Special Update - November 2025

5223 - ABSENCES FOR RELIGIOUS ORDINANCES AND INSTRUCTION

The Board of Education desires to cooperate with those parents who wish for their children to participate in religious observances, ceremonies, or holidays, ~~to provide for religious instruction for their children~~ but also recognizes its responsibility to enforce the attendance requirements of the State.

Accordingly, the Board should develop a policy in conformance with its other policies on excused and unexcused absences from classroom instruction which policy is not discriminatory in any manner and which maintains the integrity of the school's instructional programs.

Upon the signed request of a student's parent, the Board will allow ~~exceptions to the student's continuous attendance at school~~ excused absences for religious ~~instruction outside the school building by an authorized church or religious organization~~ observances, ceremonies, or holidays when such exception is consistent with other policy and neither discriminates against nor favors any particular religious practice.

~~A student seeking such exception must be properly registered and a copy of such registration must be filed with the principal.~~

The time for release for ~~religious instruction or education~~ such events shall be arranged by the principal. S/He will also assure the appropriate continuance of the instructional program in the public school during such release times, consistent with other Board policy.

No solicitation for attendance at religious instruction shall be permitted on school system premises. No staff member shall encourage or discourage participation in any religious ~~instructional program~~ observance, ceremony, or holiday.

Consistent with current West Virginia law, students may be granted an exemption from compulsory public school attendance upon presentation of registration in a religious education program or school per West Virginia Code 18-8-1.

Cross References:

po5200 - ATTENDANCE

po8800 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

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Legal	WV Code 18-8-1 West Virginia State Board of Education policy 4110
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Cross References	po5200 - ATTENDANCE po8800 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES
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Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Vol 16-2/Vol 17-1/Vol 17-2/Spec Update-11/25 Ready for TAA/Superintendent
Title	GRADUATION REQUIREMENTS
Code	po5460
Status	
Adopted	May 26, 2015
Last Revised	April 11, 2023

5460 - GRADUATION REQUIREMENTS

It shall be the policy of the Board of Education to acknowledge each student's successful completion of the graduation requirements of the State and ~~DistrictCounty~~ by the awarding of a diploma at fitting graduation ceremonies.

The Board shall award a regular high school diploma to every student enrolled in this ~~DistrictCounty~~ who has completed the standard graduation requirements. An eligible student with disabilities who has been determined by an IEP Team to be unable, even with extended learning opportunities and significant instructional modifications to meet State and ~~DistrictCounty~~ standard graduation requirements may receive a modified/alternate diploma. Students with disabilities receiving modified/alternate diplomas shall be allowed to participate in graduation ceremonies with their same grade classmates and continue with special education eligibility services.

The West Virginia Board of Education shall provide for the awarding of a high school diploma to a deceased student, at the request of the parent, guardian, or custodian, if the student:

- A. was enrolled in a public school in this State at the time of death;
- B. was academically eligible, or on track to complete the requirements for graduation at the time of death; and
- C. died after the completion of the eleventh grade.

An Office of Diversion and Transition Programs school operated by the West Virginia Department of Education will transfer graduation credits to a school for the awarding of the high school diploma. An eligible student with disabilities who meets the criteria for instruction based on modified/alternate standards may pursue either a standard or modified/alternate diploma. These decisions are specified on the student's IEP. The Board is required to accept the transferred credit.

A person who administers a program of secondary education at a public, private or home school may issue a diploma or other appropriate credential to a person who has completed the program of secondary education. Such diploma or credential is legally sufficient to demonstrate that the person meets the definition of having a high school diploma or its equivalent. No State agency or institution of higher learning in this State may reject or otherwise treat a person differently solely on the grounds of the source of such a diploma or credential. However, a State agency or institution of higher learning is not prohibited by State law from inquiring into the substance or content of the program to assess the content thereof for the purposes of determining whether a person meets other specific requirements.

CHOOSE OPTION #1 or OPTION #2

(x) Option #1

The requirements for graduation from high school include earning *necessary units* of credit in grades 9 through 12 ~~as are established in State law and West Virginia State Board of Education WVBE policy 2510. West Virginia State Board of Education WVBE policy 2510 sets forth the specific graduation requirements for students enrolled in school year 2018-2019 and thereafter or as otherwise specified.~~ The minimum graduation requirements for the ~~2018-2019~~ 2024-2025 freshmen cohort class are ~~twenty-two (22)~~ twenty-three (23) credits. The minimum graduation requirements for all other students, grades 10 - 12 ~~for the 2018-2019 school year, are twenty-four (24)~~ twenty-two (22) credits.

[END OF OPTION #1]**(x) OPTION #2**

The requirements for graduation from high school include earning necessary units of credit in grades 9 through 12 as established in State law and West Virginia State Board of Education policy. ~~West Virginia State Board of Education~~ WVBE policy 2510 sets forth with specificity the graduation requirements for students enrolled in school year ~~2018-2019~~ 2024-2025 and thereafter or as specified. In addition to these State requirements, the Wayne County Board of Education requires the following:

For students entering grade 9 in the school year ~~2018-2019~~ 2024-2025 and thereafter; one (1) personal finance credit.

For students entering grades 10-12 in the school year ~~2018-2019~~ 2024-2025 and thereafter, one (1) _____ unit(s) as specified below:

[END OF OPTION #2]

All West Virginia High School students shall be scheduled in the defined high school ~~course work~~ coursework, college courses, career and technical programs, credit recovery, Option Pathway, experiential learning, or virtual school courses for the full instructional day during grades 9-12.

The Board shall develop and implement within their attendance policy procedures the definition of compelling circumstances under which students may attend school for fewer than four (4) full years and/or may be scheduled for courses for less than the full instructional day.

Physical Education Credit Options

West Virginia Board of Education (WVBE) Policy 2510, Foundations for High-Quality High School Programming Best Practices (Grades 9-12), provides a County with flexibility to offer options for the lone physical education credit required for high school graduation. Beginning in the **[Note: may be any time beginning with 2024-2025]** _____ 2024-2025 academic year, students enrolled in a _____ Wayne County public high school may earn the required physical education credit in one (1) of the following manners:

Option 1: Traditional Physical Education Course 9-12 (WVEIS _____) - one (1) graded PE credit.

Option 2: Integrated Physical Education (WVEIS 7949) - One (1) graded course credit and one (1) graded PE credit.

Integrated Physical Education (PE) is a blended learning approach that combines a free, abbreviated online PE course, monitored by a PE teacher, with a physically active credit-bearing elective course. Students will receive both a graded PE credit and a graded credit for the physically active course.

Qualifying Physically Active Credit Bearing Classes include:

- A. **(x)** Dance
- B. **(x)** Show Choir
- C. **(x)** Weightlifting
- D. **()** _____

Guidance:

The student must enroll in ☐ one (1) year ☐ two (2) years **[end of option]** of a qualifying yearlong physically active class course in the high school AND enroll in the Integrated Physical Education online course administered by the PE teacher.

Upon successful completion of ☐ one (1) year ☒ two (2) years **[end of option]** of the designated physically active class and the online course, the student will earn two (2) credits, which both factor in the student's GPA. The Integrated Physical Education Course cannot be completed as a stand-alone course. ☐ If two (2) years of the physically active class are required to earn the PE credit, the online Integrated Physical Education course shall be taken during the student's second year of the physically active course **[end of option]**.

Option 3: Extra-curricular/Interscholastic Physical Education GRADED (WVEIS 7949) - One (1) graded PE credit.

A blended learning approach that combines a free, online Physical Education (PE) course, monitored by a PE teacher, paired with two (2) seasons of an approved WVSSAC activity. This course must be taken during the student's second season of an approved WVSSAC-sanctioned activity fulfilling the high school PE credit requirement. The physical education teacher will issue a grade for this course.

_____ County Schools' WVSSAC Extra-curricular/Interscholastic approved activities are:

- A. ☐ Marching Band
- B. ☐ Baseball
- C. ☐ Basketball
- D. ☐ Cross Country
- E. ☐ Cheerleading
- F. ☐ Football
- G. ☐ Golf
- H. ☐ Soccer
- I. ☐ Softball
- J. ☐ Swimming
- K. ☐ Track
- L. ☐ Volleyball
- M. ☐ _____

Guidance:**Marching Band**

A student can earn one (1) physical education credit for participating in two (2) seasons of marching band and completing the online Integrated Physical Education course during the second season of marching band. A roster of students completing the requirements to satisfy the PE graduation credit will be shared with the high school guidance department upon completion of the season.

WVSSAC Sports

A student can earn one (1) physical education credit for participating in two (2) complete seasons of an approved sport and completing the online Integrated Physical Education course during the second season of the sport/activity. A roster of students completing the requirements of the PE graduation credit will be shared with the high school guidance department upon completion of the season.

Option 4: Extra-curricular/Interscholastic Physical Education NON-GRADED (WVEIS 7948)

This option allows the student to earn the high school Physical Education credit required for graduation by participating in an extra-curricular/interscholastic activity. No additional coursework is required. The course must be transcribed as non-graded PE credit after a student has successfully completed two (2) seasons of a WVSSAC-approved activity.

_____Wayne County Schools' WVSSAC Extra-curricular/Interscholastic approved activities are:

- A. ☒ Marching Band
- B. ☒ Baseball

- C. ☒ Cross Country
- D. ☒ Cheerleading
- E. ☒ Football
- F. ☒ Golf
- G. ☒ Soccer
- H. ☒ Swimming
- I. ☒ Track
- J. ☒ Volleyball
- K. ☒ Wrestling

Guidance:

At the conclusion of each season, the Band Director/Athletic Director will submit a roster of students who have successfully completed the season, consisting of a least sixty (60) contact hours, to the high school guidance department. Students who have completed two (2) seasons of an activity can be awarded their non-graded PE credit.

Option 5: Junior ROTC I and II (~~W~~WVEIS Course Codes 1065 and 1066_____) - non-graded PE credit

Successful completion of JROTC I and JROTC II will satisfy the Physical Education credit required for high school graduation. Students completing JROTC will not receive a PE credit in addition to the JROTC I and JROTC II credits. This is not an embedded credit course.

Students in JROTC can still enroll in PE and receive PE credit upon successful completion of PE course requirements.

Option 6: Dual Credit Courses - graded or non-graded

The _____ Board of Education has the option to approve dual credit physical education courses to satisfy the PE credit required for high school graduation. A list of approved dual credit courses that satisfy the PE credit, including whether each course is graded or non-graded, will be made available at the student's high school.

Option 7: Other Physical Education Courses Paired with the Online Integrated PE Course - graded

The _____ Board of Education has the option to approve other physical education courses based on student need and interest, coupled with the online Integrated PE Course. Upon successful completion of the PE course and the Integrated PE course, the student will be awarded one (1) PE credit that also satisfies the high school graduation PE requirement.

Other Alternative Means to Earn High School Credit

- A. Any student who successfully completes a high school level course (one meeting the high school approved content standards and taught by a content-certified teacher) prior to grade 9 shall receive full credit for that course toward graduation requirements. The student's permanent record for grades 9 through 12 shall indicate completion of the courses. The grade for any credit-bearing course taken prior to grade 9 becomes part of the student's permanent record and is calculated in the student's grade point average (GPA).
- B. ☒ The Board shall permit a student who masters the approved content standards for a credit-bearing high school course that are embedded within a second course to receive credit for both courses. If these embedded credit courses are used to meet graduation requirements, the Board policy and alignment documentation must be reviewed by the West Virginia State Department of Education and approved by the West Virginia State Board of Education.
- C. The Board shall allow students to earn credit for completion of college courses and other advanced courses outside the school setting as authorized by West Virginia State Board of Education policy 2510. (See West Virginia Board of Education Approval of ~~District~~County Dual Credit Policy Form 2271 F1.) If these courses, including dual credit courses, are used to meet graduation requirements, this policy and alignment documentation must be reviewed and approved by the West Virginia Department of Education and the West Virginia ~~State~~ Board of Education. Students may not receive dual credit for an AP® course.
- D. ☐ The Board shall develop tests for the purpose of accelerating students by proving proficiency through assessment.

- E. Students who fail high school courses shall be provided with an opportunity to recover credit for such failed courses. Research-based successful credit recovery programs that require students to successfully master content rather than repeat an entire course shall be made available to allow students to recover credit for failed high school courses.
- F. All students will receive appropriate grades and/or credit for all work completed while attending school regardless of the duration of their enrollment period. Students cannot receive credit for the same course twice.
- G. ~~West Virginia Virtual School (WVVS) Pursuant to State law, the WVVS was created to assure consistent high-quality education for West Virginia students while utilizing technology-delivered courses. In order for students to receive credit for an online or virtual course, s/he must be enrolled as a full or part-time student in a West Virginia public school.~~ Virtual learning may be used to provide students opportunities to enroll in classes through the WVVS or a county virtual instruction program.
- H. To ensure student success as productive citizens upon transitioning from the Office of Diversion and Transition Program schools, students must be provided with marketable job skills equal to those in nonresidential settings. Personalized learning options for students enrolled in Office of Institutional Education Programs (OIEP) schools are intended to be rigorous in delivery yet flexible in terms of graduation requirements. Career Integrated Experiential Learning (CIEL) is a CTE program of study that provides opportunities for students to test for multiple nationally recognized certifications while earning credit for relevant job-readiness skills, helping students to be college and career-ready. All public schools in West Virginia will have the ability to use CIEL as a concentration ~~beginning in the 2018-2019 school year.~~ CIEL program of study credits will transfer to the receiving high school allowing for the continued enrollment for program of study and graduation credit for those who are unable to complete the program of study while in the juvenile setting. These CTE courses may be delivered in a traditional classroom setting or a virtual environment.
- I. Students may substitute one of the following equivalent courses in place of a course as listed in the applicable high school program of student: 1) an AP® course; 2) an IB® course; 3) an AC course; or 4) a dual credit or college course in accordance with approved county policy. The student's parent/guardian must approve by signing the student's PEP.
- J. All students will receive appropriate grades and/or credit for all work completed while attending school, regardless of the duration of their enrollment period. Students cannot receive credit for the same course twice. When a student retakes a failed course, both grades shall be transcribed and the County grading policy will determine how these courses are calculated in the GPA.
- K. () The Board may develop a policy that allows for credit-bearing workplace readiness experiences.

If a student has been enrolled continuously in grades 9-12, the student shall be expected to meet the graduation requirements that were in effect when s/he entered 9th grade unless amended by West Virginia State Board of Education policy.

If a student has enrolled after dropping out of school, the requirements that a student must meet depend upon the length of time s/he has been out of school. If the student has been out of school less than one (1) year, s/he would be expected to complete the graduation requirements that were in effect when s/he entered grade 9 for the first time. If the student has been out of school one year or more, s/he would be expected to complete the graduation requirements in effect upon re-enrollment.

Every high school may permit students below the ninth grade to take advance work for credit. This work shall count toward the graduation requirements if it was both:

- A. taught by a content-certified teacher;
- B. a high school level course (one meeting the high school approved content standards and objectives).

Beginning with the class of students entering 9th grade in the 2024-2025 school year and thereafter, each high school student shall complete ~~one-half~~ one (1) credit course of study in personal finance during their 8th, 9th, 10th, 11th, or 12th grade year as a requirement for high school graduation. The expansion of the grade levels to the 8th, 9th, and 10th grade during the 2025 regular session of the Legislature applies retroactively so that a student who has taken the finance course during the 8th, 9th, or 10th grade year prior to the effective date of the expansion satisfies the personal finance course graduation requirement.

Beginning with the class of students entering 9th grade in the 2027-2028 school year, each high school student must earn one unit of credit in a high school computer science course before graduation. "Computer science" means the study of

computers, programming, and algorithms, including their principles, their hardware and software designs, their implementation, and their impact on society. Computer science does not include the study of everyday uses of computers and computer applications, such as keyboarding, word processing, digital literacy, or accessing the internet. The credit may be earned in Grades 8-12. A computer science course offered by a public high school shall be of high quality, meet or exceed the curriculum standards established by the State Board of Education, and be made available in a traditional classroom setting. Only if a traditional classroom setting is not feasible shall a school offer the course in a blended learning environment or an online-based or other technology-based format that is tailored to meet the needs of each participating student, as long as this does not interfere with the schedule of homeschool students or virtual students. The one credit in computer science shall be allowed to substitute for one math credit or one personalized education plan credit. The one (1) credit shall be approved for one (1) credit in Career Technical Education (CTE), provided that the credit shall be relevant to the program of study. If a student uses a computer science course to fulfill a math or science credit, the ~~school~~ ~~district~~ county school shall denote that computer science course as equivalent to a high school math course on the student's transcript for the purpose of admission to a higher education institution in this State.

Commencement exercises will include only those students who have successfully completed requirements for graduation as certified by the high school Principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

The Board also shall grant a diploma of adult education to all ~~District~~ County residents over the age of twenty-one (21) who meet the requirements established by the West Virginia State Board of Education.

The Option Pathway is a blend of the Career and Technical Education (CTE) Pathway and the High School Equivalency Assessment test. This pathway provides an opportunity for ~~the high school students behind their ninth-grade cohorts a second opportunity to graduate on time rather than dropping out of school~~ at risk students to stay in school and graduate with a standard high school diploma.

Credit Recovery

Students who fail high school courses shall be provided with an opportunity to recover credit for such failed courses. Researched-based successful credit recovery programs require students to successfully obtain mastery of content rather than repeat an entire course shall be made available to allow students to recover credit for failed high school courses.

There are three available ways to recover credit for failed courses:

A. Virtual Recovery Courses:

The student enrolls in the computerized system and retakes the course that was failed. The highest grade that can be derived is a passing grade of "D". School-level administrators and counselors will determine eligibility of students for enrollment in virtual credit recovery options. Students are eligible for consideration at any high school grade level.

B. Retaking of Failed Course:

Students can retake the course that was failed. The "F" will stay on their grade report from the first time the course was taken; therefore, student's transcript will reflect two grades for the same course. A student can retake a core course at any grade level.

C. Option Pathway (Option 2):

The student will test in the areas of the course that they failed. The scores on the test have grade level equivalence. Only seniors can enroll for Option 2. Eligible students can only be considered for this option for one course.

[x] Senior Project

All students shall complete a senior project to add rigor and relevance to the senior year. The senior project shall be an integrated culminating project related to the student's program of study ~~which~~ which, requires knowledge, skills, and concepts from the student's total school experience. A quality senior project should be comprised of a research paper, a product, a portfolio, and a presentation.

The Superintendent shall establish whatever administrative guidelines are necessary to comply with State rules and regulations.

WV Code 18-2-39; 18-2E-9, 18-8-6, 18-8-12, 18-2-32, 18-8-32

~~West Virginia State Board of Education~~ WVBE policy 2510

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Legal

WV Code 18-2-39; 18-2E-9, 18-8-6, 18-8-12, 18-2-32, 18-8-32

WVBE policy 2510

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Special Update 9/24-Ready for TAA/Directors
Title	Areas of Shortage and Student Conduct - September 2024 Revised STUDENT CODE OF CONDUCT
Code	po5500
Status	
Adopted	May 26, 2015
Last Revised	July 23, 2024

Revised Policy - Special Update - September 2024

5500 - STUDENT CODE OF CONDUCT

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

Student Code of Conduct

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

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

[] [OPTION 1—probably current policy with some changes from policy 4373 prior to 2019 amendments]

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

~~[] Option 1~~

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

A. Cheating

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

B. Cell Phone Violation

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

C. Deceit

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

D. Disruptive/Disrespectful Conduct

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

E. Failure to Serve Detention

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

F. Falsifying Identity

A student shall not ~~provide another person's identification or give~~ false identification to any school official with intent to deceive school personnel or falsely obtain money or property.

G. Inappropriate Appearance

A student shall not dress or groom in a manner that is in violation of the County Board of Education's dress code policy. ~~A student shall not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety, or welfare of others. A student shall not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.~~

H. Inappropriate Display of Affection

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

I. Inappropriate Language

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

J. Possession of Inappropriate Personal Property

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

K. Skipping Class*

In accordance with West Virginia Board of Education policy 4110 - Attendance, a student shall not fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent/guardian.

L. Tardiness*

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

M. Unauthorized Zone

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

N. Vehicle Parking Violation

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

Level 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm, danger, or educational detriment to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.

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

A. Disruptive/Disrespectful Conduct

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

B. Habitual Violation of School Rules or Policies

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

C. Insubordination

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

~~Gang-Related Activity~~

~~A student shall not, by use of violence, force, coercion, threat of violence or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the District's educational mission. Gang activity includes:~~

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

D. Leaving School without Permission

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

E. Physical Fight without Injury

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

F. Possession of Imitation Weapon

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

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

A student shall not possess a knife or knife-like implement under three and one-half (3 1/2) inches in length. ~~WV Code 61-7-2 clarifies that a pocket knife with a blade of three and one half (3 1/2) inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.~~

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

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

I. Technology Misuse

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

J. Reckless Conduct

A student shall not create an unsafe environment through actions that are not intentionally directed toward

someone. Carelessly throwing a door open, or shoving a chair or other object that inadvertently strikes or nearly strikes another, would both be examples of reckless conduct.

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

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

A. Battery Against a Student

A student shall not unlawfully and intentionally injure another student.

B. Disruptive/Defiant Conduct

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

C. Defacing School Property/Vandalism*

A student shall not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.

D. False Fire Alarm

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

E. Fraud/Forgery

A student shall not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities.

F. Gambling

A student shall not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.

G. Gang Related Activity

A student shall not, by use of violence, force, coercion, threat of violence of gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the County's educational mission. Gang activity includes:

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

H. Harassment/Bullying/Intimidation

A student shall not harass, intimidate, or bully as any intentional gesture, or any intentional electronic, written,

verbal, or physical act, communication, transmission, or threat per WV Code 18-2C that:

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

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

Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one (1) or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.

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

1. Sexual Harassment

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

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

2. Racial Harassment

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

3. Religious/Ethnic Harassment

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

4. Sexual Violence

Physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas. Sexual violence may include but is not limited to: touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts; coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or; threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

5. Racial Violence

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

I. Habitual Violation of School Rules to Policies*

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

J. Hazing

A student shall not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person(s) to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition of continued membership in, any activity or organization, including both co-curricular and extra-curricular activities (see Policy 5516).

K. Insubordination*

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

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

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

M. Improper or Negligent Operation of a Motor Vehicle

A student shall not intentionally or recklessly operate a motor vehicle on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health, or welfare of others.

N. Inhalant Abuse

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

O. Larceny

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

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

A student shall not possess, use, or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county. This includes any electronic cigarette or vaporizing device; regardless of whether or not it contains nicotine.

Q. Physical Altercation*

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

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

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

S. Sexual Misconduct

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

nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school-sponsored event.

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

A student shall not threaten (verbal or written) or attempt to injure another student, teacher, administrator, or other school personnel. (This includes assault on a school employee defined in WV Code 61-2-15.)

U. Trespassing

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

V. Harassment/Bullying/Intimidation

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

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

~~An electronic act, communication, transmission, or threat includes but is not limited to one (1) which is administered via telephone, wireless phone, computer, pager, or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.~~

~~Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one (1) or more of these characteristics, shall be reported using the following list: race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, mental/physical/developmental/sensory disability, or other characteristic (see District County Policy 5517.01).~~

~~When harassment, intimidation, or bullying are of a racial, sexual, and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff, or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:~~

- ~~1. Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:~~
 - ~~a. submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or~~
 - ~~b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or~~
 - ~~c. creating an intimidating, hostile, or offensive employment or educational environment.~~
- ~~2. Amorous relationships between District County employees and students are prohibited.~~
- ~~3. Sexual harassment may include but is not limited to:~~
 - ~~a. verbal harassment of a sexual nature or abuse;~~
 - ~~b. pressure for sexual activity;~~

- c. inappropriate or unwelcome patting, pinching, or physical contact;
 - d. sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;
 - e. behavior, verbal, or written words or symbols directed at an individual because of gender; or
 - f. the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate/culture, or opportunities.
4. Racial harassment consists of physical, verbal, or written conduct relating to an individual's race when the conduct:
- a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c. otherwise adversely affects individual's employment or academic opportunities.
5. Religious/Ethnic harassment consists of physical, verbal, or written conduct which that is related to an individual's religion or ethnic background when the conduct:
- a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 - b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c. otherwise adversely affects an individual's employment or academic opportunities.
6. Sexual violence is a physical act of aggression or force or the threat thereof which that involves the touching of another's intimate parts or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:
- a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;
 - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or
 - e. threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
7. Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
8. Religious/Ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

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

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

R. Inhalant Abuse

A student shall not deliberately inhale or sniff common products found in homes, schools, and communities with the

~~purpose of "getting high". The action may be referred to as huffing, sniffing, dusting, and/or bagging.~~

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

~~A student shall not unlawfully possess, use, or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a District County, including all activities or events sponsored by the District County.~~

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

- ~~1. No person (student, staff member, or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events.~~
- ~~2. Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.~~
- ~~3. An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. West Virginia Board of Education policy 2422.7 - Standards for Basic and Specialized Health Care Procedures must be followed in order for students to use such products on school property or at school sponsored events.~~

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

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

A. Battery on a School Employee

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

B. Felony

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

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

C. Illegal Substance-Related Behaviors - Narcotic

A student will not sell, possess, or distribute a narcotic drug as defined in WV Code 60A-1-101 on the premises of an educational facility, at a school-sponsored function, or on a school bus.

D. Illegal Substance-Related Behaviors - Nonnarcotic

A student shall not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in WV Code 60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a District County, including all activities or events sponsored by the District Board. This includes violations of ~~West Virginia Board of Education policy WV Policy 2422.7 - Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis by a Student~~, and instances of prescription drug abuse (WV Policy 2442.7). This also includes the possession, use, or distribution of electronic cigarettes or vaporizing devices that possess any level of TCH, or its derivative.

E. Possession and/or Use of Dangerous Weapon

According to WV Code 18A-5-1a(a), a student shall not possess a firearm or deadly weapon as defined in WV Code 61-7-2, on any school bus, on school property, or at any school-sponsored function as defined in WV Code 61-7-

11a.

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

[END OF OPTION 1]

[] [OPTION 2]

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

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

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

- A. _____
- B. _____
- C. _____
- D. _____

LEVEL 2: Disruptive and Potentially Harmful Behaviors - disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others

- A. _____
- B. _____
- C. _____
- D. _____

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

A. Battery Against a Student

A student shall not unlawfully and intentionally injure another student.

B. Disruptive/Defiant Conduct

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

C. Defacing School Property/Vandalism*

A student shall not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing systems, breaking light bulbs or fixtures, and damaging school equipment to the point where repair or replacement is necessary.

D. False Fire Alarm

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

E. Fraud/Forgery

A student shall not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities.

F. Gambling

A student shall not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.

G. Gang Related Activity

A student shall not, by use of violence, force, coercion, threat of violence or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the County's educational mission. Gang activity includes:

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

H. Harassment/Bullying/Intimidation

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

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

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

Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.

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

1. Sexual Harassment

Sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education; or submission to or rejection of

that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education by creating an intimidating, hostile, or offensive employment or educational environment.

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

2. Racial Harassment

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

3. Religious/Ethnic Harassment

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

4. Sexual Violence

Physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to: touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts; coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or; threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

5. Racial Violence

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

I. Hazing

A student shall not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person(s) to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition of continued membership in, any activity or organization, including both co-curricular and extra-curricular activities (see Policy 5516).

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

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

K. Improper or Negligent Operation of Motor Vehicle

A student shall not intentionally or recklessly operate a motor vehicle on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health, or welfare of others.

L. Inhalant Abuse

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

M. Larceny

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

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

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

A student shall not possess, use, or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the County. This includes any electronic cigarette or vaporizing device; regardless of whether or not it contains nicotine.

O. Sexual Misconduct

A student shall not publicly and indecently expose themselves, display or transmit any sexually explicit media including but not limited to drawings, photographs, animations, or videos of a sexual nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school-sponsored event.

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

A student shall not threaten (verbal or written) or attempt to injure another student, teacher, administrator, or other school personnel. (This includes assault on a school employee defined in WV Code 61-2-15.)

Q. Trespassing

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

R. Habitual Violation of School Rules or Policies*

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

S. Insubordination*

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

T. Physical Altercation*

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

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

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

V. _____

W. _____

X. _____

Y. _____

Z. _____

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

A. Battery on a School Employee

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

B. Felony

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

C. Illegal Substance-Related Behaviors

A student shall not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in WV Code 60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a ~~District County~~, including all activities or events sponsored by the ~~District County~~. This includes violations of West Virginia Board of Education policy 2422.7 - Standards for Basic and Specialized Health Care Procedures and instances of prescription drug abuse.

D. Possession and/or Use of Dangerous Weapon

According to WV Code 18A-5-1a(a), a student shall not possess a firearm or deadly weapon as defined in WV Code 61-7-2, on any school bus, on school property, or at any school-sponsored function as defined in WV Code 61-7-11a.

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

[END OF OPTION 2]

Students may be subject to discipline for violation of the Student Code of Conduct even if that conduct occurs on property not owned or controlled by the Board but which is connected to activities sanctioned or managed by the Board or its personnel or incidents that have occurred on property owned or controlled by the Board. Such discipline shall be consistent in all respects with the form and procedure for disciplining students set forth in Policy 5600 - Student Discipline and West Virginia Board of Education policy 4373, referenced above.

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

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

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Legal West Virginia Board of Education policy 4373

Cross References po5600 - STUDENT DISCIPLINE

po5605 - DISCIPLINE FOR SPECIAL EDUCATION STUDENTS

po5610 - EXCLUSION FROM CLASSROOM OR SCHOOL BUS, SUSPENSION, AND
EXPULSION OF STUDENTS

po5610.04 - SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND
EXCLUSION FROM SCHOOL BUS

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Vol 16-2/Vol 17-1 Ready For TAA/Superintendent
Title	DRESS AND GROOMING
Code	po5511
Status	
Adopted	May 26, 2015
Last Revised	December 10, 2019

5511 - **DRESS AND GROOMING APPEARANCE**

The Board of Education recognizes that each student's mode of dress and grooming appearance is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program and process of the schools. ~~The Board authorizes the Superintendent to establish a (x) reasonable dress code (-) a school uniform after approval by an advisory committee consisting of parents or guardian, school employees, and students [END OF OPTION] in order to promote a safe and healthy school setting and to enhance the educational movement. (-) The advisory committee shall make recommendations on methods of paying for the school uniforms. The (x) dress code (-) school uniform [END OF OPTION] shall be incorporated into the Student Code of Conduct or Discipline Code.~~

Accordingly, the Superintendent shall establish such dress and grooming appearance guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. ~~Such guidelines shall prohibit student dress or grooming practices which:~~

x] Such guidelines shall prohibit student dress or grooming practices which:

- A. ~~()~~ present a hazard to the health, safety or welfare of the individual student himself/herself or to others in the school, including by way of communicating threats of harm or depictions of harmful conduct directed at others; **[end of option]**
- B. ~~()~~ materially interfere with school work, create disorder, or disrupt the educational-process program, including dress that promotes or depicts illegal activity, such as illegal drug use, underage alcohol consumption, or similar activities; **[end of option]**
- ~~C. distracts or is indecent to the extent that it interferes with the teaching and learning process;~~
- ~~D. displays or promotes 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;~~
- E. ~~()~~ cause excessive wear or damage to school property; **[end of option]**
- F. ~~()~~ prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement. **[end of option]**

[END OF OPTIONAL SECTION]

Such guidelines shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing _____ ~~School District~~ the County at a public event. Where appropriate, a uniform or specific dress requirement shall be used for students when representing the County as described.

In enforcing the dress code, the following procedures shall be used:

- A. the principal shall serve as the initial arbiter of student dress and appearance within the building or at school-sponsored events or activities;
- B. before taking action to enforce dress code requirements, including by requiring that a student remove, cover, or otherwise conceal the item or depiction at issue, the principal shall determine whether the item constitutes protected speech insofar as the item independently makes a statement of a discernable nature to the observer by depiction, words, or combination of the two (2) that does not require separate explanation.

Expressive dress may not be protected speech if it involves:

- A. obscenity;
- B. language or depictions intended to incite violence or hatred of others.

Dress that is protected speech may still be prohibited if it is likely to cause a substantial disruption to the educational environment. This may include dress that includes the use of vulgarity, discriminatory language including racial or ethnic slurs, negative stereotypes, violence, or other communication when the clear intent is to invoke strong reactions in observers so as to impair the ability of teachers and/or students to engage in educational pursuit.

No protected speech may be prohibited on the basis of disagreement by County officials with the specific point of view expressed if the topic is otherwise permitted (e.g., permitting depictions of support for one political party, but prohibiting depictions of support for the other).

[] Development of () Dress Code () Uniform Requirements [end of option]

Each school shall engage in efforts to develop a dress code that prescribes certain types of dress and that identifies building-specific dress expectations. The development of the dress code shall be completed using the following guidelines:

- A. () invite the participation of () staff () parents () students **[end of option]** in the preparation of a dress code which may specify prescribed dress and grooming practices, but may not amplify the rationale for prohibition established by Board policy;
- B. () instruct staff members to demonstrate, by example and precept, personal neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;
- C. () ensure that all administrative guidelines impose only minimum and necessary restrictions on the exercise of the student's taste and individuality.

[] Students who violate the foregoing rules will not be admitted to class and may be subject to additional consequences. [END OF OPTION]

[] If the clothing cannot be removed or concealed, the student may be sent home after contact is made with the student's parent. [END OF OPTION]

~~The Superintendent shall develop administrative guidelines to implement this policy which that:~~

- A. ~~() designate the principal as the arbiter of student dress and grooming in his/her building;~~
- B. ~~() invite the participation of~~
 - ~~() staff;~~
 - ~~() parents;~~
 - ~~() students;~~
- C. ~~() instruct staff members to demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;~~
- D. ~~() ensure that all rules implementing this policy impose only minimum and necessary restrictions on the exercise of the student's taste and individuality.~~

~~[] Students who violate the foregoing rules will not be admitted to class and may be suspended from school.~~

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Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Special Update 9/24-Ready for TAA/Directors
Title	SUBSTANCE ABUSE PREVENTION
Code	po5530
Status	
Adopted	May 26, 2015
Last Revised	February 8, 2022

Revised Policy - Special Update - September 2024

5530 - SUBSTANCE ABUSE PREVENTION

The Board of Education recognizes that the misuse of drugs, including alcohol, is a serious problem with legal, physical, and social implications for the whole school community.

[x] As the educational institutions of this community, the schools should strive to prevent drug abuse and help drug abusers by educational means, where practicable.

For purposes of this policy, "drugs" shall mean:

- A. all controlled substances as so designated and prohibited by West Virginia statute;
- B. all chemicals ~~that which~~ release toxic vapors;
- C. all alcoholic beverages;
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. anabolic steroids (as defined by State law);
- F. any substance that is a "look-alike" to any of the above;
- G. any "bogus" drugs;
- H. () _____ **[Other]**.

Under the Student Code of Conduct, the Board prohibits being under the influence, the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, in school vehicles, or at any school-sponsored event.

The Superintendent shall prepare guidelines to address prohibited drug use in the schools under this policy. Such guidelines shall:

- A. emphasize preventative measures;
- B. require implementation of the substance abuse and tobacco control portions of West Virginia Board of Education policy 4373 at the school level;
- C. provide clear procedures for identification, intervention, and referral of students with substance abuse problems;
- D. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:

1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
 2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
 3. (☒) assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
 4. (☒) promotes positive emotional health, self-esteem, and respect for one's body;
 5. (☒) meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education;
- E. (☐) provide a comprehensive drug awareness and prevention program for students in grades kindergarten through twelve (12) that may include faith-based electives along with nonfaith-based electives; for drug awareness in classrooms.
- F. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- G. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity, noting the same are prohibited by the Student Code Conduct;
- H. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;
- [☒] The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.
- I. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- J. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- K. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- L. provide an annual review of the Board's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- M. provide that, with respect to student substance abuse/addiction, the following actions will be taken:
1. conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services; and
 2. referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors;~~behaviors.~~
- N. include procedures for communicating the terms of these guidelines to students, school staff, parents or families, visitors and the community-at-large through reasonable means, such as:
1. staff development,
 2. employee and student handbooks,
 3. parent/guardian notification,
 4. general public notification (e.g., signs, announcements),
 5. attaching a summary of this policy on all requests for school facility use;

- O. include a plan for implementing required kindergarten through 12th-grade preventive education, as outlined in West Virginia Board of Education policy 2520.5, and shall be coordinated with Safe and Drug-Free ~~Schools~~^{School} (Goals and Objectives) to provide a comprehensive kindergarten through 12th-grade substance abuse prevention curriculum for all children;

School administrators, Local School Improvement Councils, and school curriculum teams shall assure that prevention education are comprehensive, coordinated, and age appropriate. Examples include developmental guidance, advisor-advisee, peer involvement, after-school programs and integration into instructional objectives.

- P. explain the manner in which the Board plans to provide or make referral to voluntary support programs (such as a local mental health provider or tobacco cessation program or hotline programs): address the physical, psychological and social issues associated with addiction; provide ongoing support and reinforcement necessary for desired behavior change; and provide information about available programs to all 4th through 12th grade students and staff on a regular basis and:

1. contain enforcement provisions for the public, which may include, but are not limited to, ~~to~~ request to stop use or leave premises, deny access to school property, and/or police notification;
2. shall, in taking action against a student for violation of this policy, provide for appropriate due process procedures;±

If the student is an Eligible Disabled Student according to W. Va. 126CSR16, West Virginia Board of Education policy 2419: Regulations for the Education of Exceptional Students, (hereinafter policy 2419), any action taken against the student must comply with, and must not be in violation of policy 2419. All disciplinary action taken against the student shall be in accordance with local, State, and Federal law.

3. identify responses and/or interventions that are consistent with the levels specified in West Virginia Board of Education policy 4373 to address violations;±

The specific procedures to be followed when any staff member observes any violations outlined in this policy shall be outlined in county/school policies and procedures.

- Q. (x) contain enforcement provisions for students which may include, but are not limited to: counseling, school/community service, voluntary cessation programs, parent/guardians notification, mandatory education sessions, alternative to suspension programs, plan for behavior improvement, policy notification, and/or prosecution;
- R. (x) establish procedures for addressing students suspected of drug use or suspected of possession or distributing drugs in school and ensure that the Board's policy and administrative guidelines on Search and Seizure (Policy 5771 and AG 5771), Suspension and Expulsion (Policy 5610 and AG 5610), are complied with ~~fully; and fully.~~
- S. provide mandatory annual education of public school students in grades 6-12 to fulfill the requirements of WV Code. Students will be:

1. taught about fentanyl, heroin, and opioids awareness, prevention, and abuse;
2. instructed in the life-saving use of FDA-approved opioid reversal agents;
3. instructed on the prevention of the abuse and addiction to fentanyl;
4. instructed on available state and community resources and organizations that work to prevent and reduce youth substance use; and
5. provided health education covering the issues of substance abuse and youth substance abuse in particular.

The Superintendent shall establish administrative guidelines necessary to implement this policy. Such guidelines shall ensure that the proper notice regarding the use of anabolic steroids is posted in each of the Board's locker rooms used by students in grades 6-12.

Pursuant to West Virginia Board of Education policy 4373, substance abuse will be handled in accordance with Policy 5600 - Student Discipline.

The Board shall review this policy in accordance with West Virginia Board of Education policy 4373 and State law.

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Legal

WV Code 18-2-7b

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West Virginia State Board of Education policy 4373

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5600 - STUDENT DISCIPLINE

~~The Board recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. Each should undertake proactive, preventive approaches which integrate services using a Multi-Tiered System of Supports ("MTSS") framework. MTSS frameworks utilize evidence-based strategies to promote students' academic success, behavioral and mental health, including social and emotional needs, trauma sensitivity, bullying prevention, dropout prevention, and truancy reduction to ensure a positive school climate and culture that fosters learning and personal social development.~~ The Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. Each should undertake proactive, preventive approaches that integrate services using a Multi-Tiered System of Supports (MTSS) framework. MTSS frameworks utilize evidence-based strategies to promote students' academic success, behavioral and mental health, including social and emotional needs, trauma sensitivity, bullying prevention, dropout prevention, and truancy reduction to ensure a positive school climate and culture that fosters learning and personal-social development. The Board is required to design and implement procedures to create and support continuous school climate and culture improvement processes within all schools that will ensure an orderly and safe environment that is conducive to learning for all. ~~The Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment that is conducive to teaching and learning. The Board believes schools should undertake proactive, preventive approaches to ensure a positive school climate and culture that fosters learning and personal social development.~~

This policy sets forth unacceptable behaviors that undermine a school's efforts to create and maintain a positive school climate and culture. These unacceptable behaviors are prohibited on all school property and school-sponsored events, including extracurricular activities. Such locations may include, but are not limited to, classrooms, other areas on school premises, school buses or other vehicles used for school-related events, or 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 a county board of education, WVDE, WVBE, or in another facility or upon any other property being used by any of these agencies. Students' off-campus conduct that would reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes, but is not limited to, blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct toward a student or staff member.

The County shall implement a level/tiered system policy, with teacher input, to provide a framework for student behaviors and consequences. Schools will provide explicit instruction on expected behaviors, model and reteach expectations when needed, and provide feedback to maximize the probability of student success in all school settings, including extracurricular, co-curricular, and school-sanctioned events.

~~All school employees are responsible for providing a safe and supportive school climate and culture. When incidents of inappropriate behavior are witnessed by or reported to school staff and substantiated, the behavior shall be addressed consistently in accordance with the behaviors, interventions, and consequences outlined in this policy and with the school implementation plan.~~

~~The expectations in this policy apply during any education sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by the Board, [] Educational Services Cooperative (ESC), West Virginia Department of Education (WVDE), West Virginia Board of Education (WVBE) or in~~

~~another facility or upon any other property being used by any of these agencies. Students' off-campus conduct that would reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes, but is not limited to, blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or staff member.~~

Students, parents, and spectators shall be informed by public address systems that this policy remains in force on evenings, weekends, and any other time that school is not in session.

For definitions of behaviors, see Board Policy 5500 - Student Code of Conduct.

Corporal Punishment

While recognizing that students may require disciplinary action in various forms, the Board of Education cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

No physical punishment of any kind shall be inflicted upon a student. This includes:

- A. hitting or striking a student on their physical person;
- B. requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- C. use of noxious stimuli (e.g. pepper spray), denial of food or water, or other negative physical actions to control behavior; and
- D. 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. ~~(See Policy 5630.01 - Use of and Restraint and Seclusion with Students for appropriate methods of seclusion.)~~

Professional staff as well as service personnel staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property. Staff shall be trained to utilize restraint methods.

~~[] Corporal punishment shall not be permitted. If any employee threatens to inflict, inflicts, or causes to be inflicted unnecessary, unreasonable, irrational, or inappropriate force upon a student, s/he may be subject to discipline by this Board and possibly charges of child abuse as well. This prohibition applies as well to volunteers and those with whom the County contracts for services.~~

x] The Board shall adopt policies providing for the training of school personnel in alternatives to corporal punishment and for the involvement of parent(s), guardian(s), or custodian(s) in the maintenance of school discipline. The Board shall provide for the incorporation and implementation in the schools of a preventive discipline program which may include the responsible student program and a student involvement program which may include the peer mediation program. The Board shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The Board may also establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision-making for students, and any other program related to preventive discipline.

[x] The Superintendent shall provide administrative guidelines which shall include a list of alternatives to corporal punishment.

Level/Tier System for Behaviors, Interventions, and Consequences

The definitions for common inappropriate student behaviors are located in Board Policy 5500 - Student Code of Conduct and in West Virginia Board of Education policy 4373. The disciplinary levels for inappropriate student behaviors are defined in four (4) levels as specified in ~~West Virginia Board of Education~~ WVBE policy 4373.

Inappropriate behavior shall be addressed with meaningful, tiered interventions and consequences that strive to support, model, and/or teach appropriate behavior to maximize the probability of student success and decrease the likelihood of continued inappropriate behavior/improve future behavior. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based interventions designed to keep students in school and engaged in instruction. It is not a requirement that schools offer every intervention and consequence listed in this policy.

STUDENT EXCLUSION PROCEDURES FOR SPECIFIC BEHAVIORS/GRADE LEVELS

Grades K - 6 Elementary Exclusions:

When a grade kindergarten through six teacher in an elementary setting, or pre-K teacher at a publicly funded pre-K facility determines that the behavior of the student is violent, threatening, or intimidating toward staff or peers, or creates an unsafe learning environment or impedes on other students' ability to learn in a safe environment, the student shall be referred to the school counselor, school social worker, school psychologist, or behavior interventionist who shall conduct a functional behavioral assessment to assess underlying causes of the student's behavior. The school counselor, school social worker, school psychologist, or behavior interventionist shall prioritize and use evidence-based interventions and supports to establish a behavioral plan for the student. The behavioral plan shall be followed for a period of two weeks. After that, a re-evaluation of the student's behavior shall be conducted, and if adequate progress is being made, the behavioral plan shall continue. If the evaluation does not show adequate progress, the Principal, teacher, and school counselor, school social worker, school psychologist, or behavior interventionist shall determine whether the plan needs to be changed. If the plan is amended and, after another period of two weeks, the student still has not shown adequate progress then the student shall be placed in a behavioral intervention program or with a licensed behavioral health agency the County has established, has partnered with another county board to establish, or has gained access to for its students through an agreement with another county board for the purpose of addressing such behaviors.

"Violent, threatening, or intimidating" behavior by the student is defined as a behavior that seriously and materially interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity. Violent, threatening, or intimidating behaviors are further defined as those actions causing or intending to cause physical harm to the teacher, Principal, school service personnel, or the students in the classroom setting.

If the County Board has not established, partnered with another county board to establish, or gained access through an agreement with another county board to a behavioral intervention program:

- A. The student shall be removed from the classroom immediately after the incident and removed from the presence of other students for the remainder of the school day;
- B. The parents shall be notified and shall pick the student up from school, preferably immediately, but by the end of the day at the latest, upon which the student shall be considered suspended from school;
- C. If a student has to ride the bus home, that student shall ride the bus under the supervision of a Principal, Vice Principal, or an individual designated by the Principal to ensure the safety of the student, the bus driver, and other students on the bus;
- D. The student shall continue to be suspended for the next one to three school days while alternative learning accommodations are made;
- E. The student may be evaluated under Child Find and may be referred for a functional behavior analysis pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.: Provided, That the student shall be referred to the student assistance team (SAT), 504 team, or IEP team at that school – whichever is most appropriate for that student – for an immediate intervention, or manifestation if the student has an IEP;
- F. The student shall receive his/her education through the alternative learning accommodations and may not return to school until a risk assessment is done;
- G. After the risk assessment, the student's return to school shall be on a provisional basis for a period of five (5) to ten (10) days. If another incident as described in this subsection occurs within that time frame, or repeated instances occur following the time frame, the student shall be subject to the provisions of WV Code 18A-5-1a for purposes of expulsion: Provided, That the expulsion shall not continue through two continuous semesters: Provided further, That the teacher may come to the expulsion hearing in instances where a student shows violent, threatening, or intimidating behavior;
- H. If the virtual school option is the agreed-upon method of alternative education, then the student can begin the program at such time the decision is made; and
- I. Whether a student's behavior falls under the requirements of this subsection and whether the student is to be placed in an alternative learning environment for the remainder of the semester or school year pursuant to subdivision (6) of this subsection shall be at the discretion of the student's classroom teacher and Principal or Vice Principal. If the Principal or Vice Principal disagree with the actions of the teacher, the Principal or Vice Principal may provide written documentation on their disagreement, the teacher may provide written documentation on their disagreement, and both the Principal/Vice Principal or the teacher may appeal to the County Superintendent.

Grades 6 - 12 Exclusions:

When a grade 6 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:

- A. 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; and

B. If the student is excluded pursuant to subdivision (1) of this subsection:

1. The principal shall communicate with the teacher within twenty-four (24) hours of the student being excluded from the teacher's classroom about the exclusion;
2. The teacher has twenty-four (24) hours to create an electronic record and place the report of this action into the West Virginia Education Information System without any repercussion to the teacher;
3. If the student is removed from a classroom a total of three (3) times in one (1) month for one or more of the behaviors set forth in this subsection, 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 an alternative learning center or with a licensed behavioral health agency if one is available within the County.

For purposes of this section, "disorderly or obstructive" behavior by the student is defined as a behavior that seriously and materially interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

The State Board of Education shall promulgate a rule pursuant to 29A-3B-1 et seq. 17 which adopts a Statewide disciplinary policy: Provided, That if a county or school in this State has a behavioral interventionist, they may apply for a waiver from the Statewide disciplinary policy upon a showing of continued positive educational progress from the existing county or school disciplinary policy currently in effect. "Positive educational progress" is defined as data that demonstrates a decrease in violent, threatening, intimidating, disorderly, and obstructive behavior. Such positive educational progress shall also demonstrate that students are maintaining the necessary educational benchmarks otherwise provided for in this code.

For purposes of this section, school counselors, school social workers, school psychologists, or behavior interventionists may provide behavioral support to ensure the effectiveness of this section.

In determining the appropriate intervention and/or consequence in response to a Level 1, 2, or 3 behavior, the principal, county superintendent, and/or county board of education should consider:

- A. the surrounding circumstances;
- B. the intent of the behavior;
- C. past incidents, continuing, or escalating patterns of behavior; and
- D. the relationships between the parties involved and the context in which the alleged incidents occurred.

Out-of-school suspension strategies should be considered when appropriate evidence-based interventions and consequences have not proven to correct the behavior. Out-of-school suspension shall never deny students access to instructional material and information necessary to maintain their academic progress. The determination of interventions and consequences is at the discretion of the school administrator, with input considered from teachers/service personnel/support staff. WV Code 18A-5-1 requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy. Level 3 and 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct. ~~Out-of-school suspension strategies shall be used sparingly and shall never deny students access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 and 2 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator with input considered from teachers and service personnel. As per WV Board of Education policy 4373 specific Level 3 behaviors are outlined in WV Code 18A-5-1a(c) and the principal shall address these inappropriate behaviors accordingly. It is critical that Level 3 and 4 behaviors are referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.~~

Any student suspended or expelled from school is also suspended from extra-curricular activities for the duration of the out-of-school suspension or expulsion.

The Legislature finds that isolating students or placing them in alternative learning centers or licensed behavioral health agencies may be the best setting for chronically disruptive students. The County Board shall create more alternative learning centers, or expand its capacity for alternative placements, or partner with a licensed behavioral health agency, subject to funding, to correct these students' behaviors so they can return to a regular classroom without engaging in further disruptive behavior.

Students in alternative learning centers, in alternative placements, or with a licensed behavioral health agency shall meet regularly with a school social worker, behavior specialist, board certified behavior analyst, school psychologist, or other qualified employee with expertise in the behavioral area to address the behavioral and mental health concerns associated with the referral to the alternative learning center and to assist in developing a transition plan back to the classroom and assist with that transition.

When administering interventions and consequences, the County is required to determine if a student warrants protection under the Individuals with Disabilities in Education Act (IDEA), West Virginia Board of Education policy 2419 and/or Section 504 of the Rehabilitation Act, and Board Policy 5605 – Discipline for Special Education Students.

[DRAFTING NOTE - SELECT ONE OF THE FOLLOWING OPTIONS. Level/Tier System policy in either option must reflect 18A-5-1A and WVBE policy 4373, and include any additional County specific leveling/tiering developed with the input of County teachers. The policy must be clear and concise with specific guidelines and examples.]

x] [OPTION 1 - based on 18A-5-1A and WVBE policy 4373]

[+] The Board shall train staff regarding the following behaviors & appropriate interventions and consequences.

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

A. Behaviors

The following list of behaviors may result in any or all of the interventions and consequences listed in item B.

1. Cheating
2. Cell Phone Violation
3. Deceit
4. Disruptive Conduct that Disrupts or Obstructs the Learning Process of Others in the Classroom **[DRAFTING NOTE: Schools should provide specific examples and define instances of disruptive and obstructive conduct, with associated levels of discipline, in accordance with new statutory requirements]**
5. Failure to Serve Detention
6. Falsifying Identity
7. Inappropriate Appearance
8. Inappropriate Display of Affection
9. Inappropriate Language
10. Possession of Inappropriate Personal Property
11. Skipping Class
12. Tardiness
13. Unauthorized Zone
14. Vehicle Parking Violation

B. Interventions and Consequences

Prior to implementing interventions and consequences, refer to the earlier sections above, **Student Exclusion Procedures**, as appropriate for the grade level of the student involved to ensure proper compliance with WV Code 18A-5-1. Any or all of the interventions and consequences items listed below may be used for any of the listed behaviors listed in Level 1, above.

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Exclusion from Classroom. See Above, Student Exclusion Procedures.
4. Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced if cheating did not occur on the earned grades and credits.
5. Counseling referrals and conference to support staff or agencies.

6. Notification of appropriate Health and Human Resources officials or departments.
7. Daily/Weekly academic and/or behavioral progress reports.
8. Referral to Student Assistance Team (SAT)
9. Behavioral contracts.
10. Change in the student's class schedule, locker assignment, or seat assignment.
11. School service assignment.
12. Interventions provided through a MTSS framework.
13. Restorative practices.
14. Confiscation of inappropriate item.
15. Revocation of privileges.
16. Restitution/~~Restoration~~.
17. Detention (lunch, before, and/or after school).
18. Denial of participation in class and/or school activities.
19. Restitution/restoration.
20. Immediate exclusion by teacher from the classroom (WV Code 18A-5-1). (see Board Policy 5610 - Exclusion from Classroom or School Bus, Suspension, and Expulsion of Students)
21. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
22. In-school suspension.
23. WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.
24. While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it shall be limited to a maximum of three (3) days.
25. Out-of-school suspension for up to ten (10) days.
26. Recommended placement in an Alternative Education Program.
27. Law enforcement notification if warranted. 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.
28. Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the student. Such action may include all options listed above.

[NOTE: Local County policy may reclassify Level 2 inappropriate behaviors, depending on the severity and the repetition of the behaviors, provided the reclassification of the inappropriate behavior is consistent with State law.]

LEVEL 2: Disruptive and Potentially Harmful Behaviors – ~~disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.~~ Exhibiting behavior that violates classroom/school rules and results in distraction or disruption of the educational process. Conduct is considered disruptive and disrespectful when the student fails to comply with redirection in a discourteous, rude, impolite, or bad-mannered way.

A. Behaviors

The following list of behaviors may result in any or all of the interventions and consequences listed in item B.

1. Disruptive/Disrespectful Conduct ~~Gang-Related Activity~~
2. Habitual Violation of School Rules or Policies
3. Insubordination
4. Leaving School Without Permission
5. Physical Fight Without Injury
6. Possession of Imitation Weapon
7. Possession of Knife Not Meeting Dangerous Weapon Definition (WV Code 61-7-2)
8. Profane Language/Obscene Gesture/Indecent Act Toward an Employee or Student
9. Reckless Conduct
10. Technology Misuse

B. Interventions and Consequences

Prior to implementing interventions and consequences, refer to the earlier sections above, **Student Exclusion Procedures**, as appropriate for the grade level of the student involved to ensure proper compliance with WV Code 18A-5-1. Any or all of the interventions and consequences ~~items~~ listed below may be used for any of the listed behaviors listed in Level 2, above.

1. Administrator/Student conference or reprimand.
2. Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced if cheating did not occur on the earned grades and credits.
3. Exclusion from Classroom. See Above, Student Exclusion Procedures.
4. Administrator and teacher-parent/guardian conference.
5. Referral to support staff or agencies for counseling ~~or other therapeutic services~~.
6. Notification of appropriate Health and Human Resources officials or departments.
7. Daily/Weekly academic and/or behavioral progress reports.
8. Referral to Student Assistance Team (SAT)
9. Behavioral contracts.
10. Change in the student's class schedule, locker assignment, or seat assignment.
11. School service assignment.
12. Interventions provided through a MTSS framework.
13. Confiscation of inappropriate item.
14. Revocation of privileges.
15. Detention (lunch, before, and/or after school).
16. Restitution/Restoration.

17. ~~Before and/or after school detention.~~
18. Denial of participation in class and/or school activities.
19. Immediate exclusion by teacher from the classroom (WV Code 18A-5-1). (~~See~~ Board Policy 5610 - Exclusion from Classroom or School Bus, Suspension, and Expulsion of Students)
20. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
21. In-school suspension.
22. Out-of-school suspension for up to ten (10) days (see guidelines in W. Va. Code 18A-5-1(d)) ~~with a recommended maximum of five (5) days (see Board Policy 5610 - Exclusion from Classroom or School Bus, Suspension, and Expulsion of Students).~~
23. WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.
24. The principal and/or Superintendent may recommend placement in an alternative education program. Students in alternative learning centers, in alternative placements, or with a licensed behavioral health agency shall meet regularly with a school social worker, behavior specialist, 12 Board Certified behavior analyst, school psychologist, or other qualified employee with expertise in the behavioral area to address the behavioral and mental health concerns associated with the referral to the alternative learning center and to assist in developing a transition plan back to the classroom and assist with that transition.
25. ~~Expulsion.~~
26. Law enforcement notification if warranted. 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.
27. Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the student. Such action may include all options listed above.

[NOTE: Local County policy may reclassify Level 3 inappropriate behaviors depending on the severity and repetition of the behaviors, provided the reclassification of the inappropriate behavior is consistent with State law.]

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

- A. Battery Against a Student
- B. Disruptive/Defiant Conduct
- C. Defacing School Property/Vandalism

Intervention and Consequences In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, intentionally defaces school property or the property of others in an educational facility, on school grounds, a school bus, or at any school sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

- D. False Fire Alarm
- E. Fraud/Forgery
- F. Gambling

G. Gang Related Activity

H. Harassment/Bullying/Intimidation

Intervention and Consequences - Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment, or violence, that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed below. Actions for staff may include, but not be limited to, warning, suspension, termination, revocation of licensure, and/or notification of law enforcement and/or human services. Actions for public guests may include, but not be limited to, removal from school property and school-sponsored functions, and/or notification of law enforcement and/or human services.

I. Habitual Violation of School Rules or Policies

Intervention and Consequences In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, habitually violates school rules or policies in an educational facility, on school grounds, a school bus, or at any school sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

J. Hazing

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

L. Improper or Negligent Operation of a Motor Vehicle

M. Inhalant Abuse

N. Larceny

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

P. Physical Altercation

Intervention and Consequences In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, participated in a physical altercation while in an educational facility, on school grounds, a school bus, or at any school sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

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

Intervention and Consequences In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, used profane language directed at an employee or student while in an educational facility, on school grounds, a school bus, or at any school sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

R. Sexual Misconduct

S. Threats of Injury/Assault Against an Employee or a Student

Intervention and Consequences In addition to the interventions and consequences listed below, a principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, injured, or threatened to injure a student, teacher, administrator or other school personnel while in an educational facility, on school grounds, a school bus, or at any school sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.

T. Trespassing

U. Harassment/Bullying/Intimidation

Intervention and Consequences

Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment, or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, and/or notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school sponsored functions, and/or notification of law enforcement and/or human services.

V. Imitation Drugs: Possession, Use, Distribution, or Sale; Inhalant Abuse; Possession/Use of Substance Containing Tobacco and/or Nicotine

Intervention and Consequences

The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

Some Level 3 behaviors are criminal offenses and therefore warrant formal law enforcement intervention that may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer, or actual arrest.

In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include, but are not limited to, the items listed in the list at Q, below.

Prior to implementing interventions and consequences, refer to the earlier sections above, **student exclusion procedures**, as appropriate for the grade level of the student involved to ensure proper compliance with WV Code 18A-5-1.

R. Any or all of the interventions and consequences items listed below may be used for any of the listed behaviors in Level 3, above:

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Referral to support staff or agencies for counseling or other therapeutic services.
4. Notification of appropriate Health and Human Resources.
5. Daily/Weekly academic and/or behavioral progress reports.
6. Referral to Student Assistance Team (SAT).
7. Behavioral contracts.
8. Change in the student's class schedule, locker assignment, or seat assignment.

9. School service assignment.
10. Confiscation of inappropriate item(s).
11. Revocation of privileges.
12. Restitution/Restoration.
13. Detention (lunch, before, ~~Before~~ and/or after school) ~~school detention~~.
14. Denial of participation in class and/or school activities.
15. Immediate exclusion by teacher from the classroom (WV Code 18A-5-1).
16. Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006).
17. In-school suspension.
18. Out-of-school suspension for up to ten (10) days.
19. The principal and/or Superintendent may recommend placement in an alternative education program. Students in alternative learning centers, in alternative placements, or with a licensed behavioral health agency shall meet regularly with a school social worker, behavior specialist, 12 Board Certified behavior analyst, school psychologist, or other qualified employee with expertise in the behavioral area to address the behavioral and mental health concerns associated with the referral to the alternative learning center and to assist in developing a transition plan back to the classroom and assist with that transition.
20. Expulsion. The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.
21. The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in WV Code 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1993. These laws require that the principal, Superintendent, and County address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a. WV Code §18A-5-1 and §18A-5-1a require mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than 12 consecutive months by the county board of education for possession of a deadly weapon, battery on a school employee, or sale of a narcotic drug.

A. Battery on a School Employee

Interventions and Consequences

A student who violates this shall be suspended and expelled. If a student has been suspended for battery on a school employee pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a ~~subsections (e), (f), and (g)~~, to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

B. Felony

Interventions and Consequences

Pursuant to WV Code 18A-5-1a(b)(i), a student that has been suspended by the principal for committing an act or

engaging in conduct that would constitute a felony under the laws of this State if committed by an adult on the premises of an educational facility, at a school-sponsored function, or on a school bus, the principal or designee ~~shall may~~ request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board ~~shall may~~ expel the student. Threats of mass or whole school violence, including but not limited to, school shootings or gun violence, shall be considered felonies in WVEIS.

C. Possession and/or Use of Dangerous Weapon

Interventions and Consequences

A student found in possession of a firearm or deadly weapon pursuant to WV Code 18A-5-1a shall be suspended by the principal. The principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

D. Illegal Substance-Related Behaviors - Nonnarcotic

Interventions and Consequences

If a student is suspended by the principal and the principal requests that the Superintendent recommend to the Board to expel the student, the Superintendent shall recommend to the Board that the Board expel the student for the following infractions: unlawfully possessing, using, or being under the influence of, distributing, or selling any substance containing alcohol, over-the-counter drugs, prescription drugs, any other substance included in the Uniform Controlled Substances Act, or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WV Policy 2422.7, Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis by a student, and instances of prescription drug abuse (WV Policy 2442.7). This also includes the possession, use, or distribution of electronic cigarettes or vaporizing devices that possess any level of THC, or its derivative. If, after a hearing, the principal determines the student is in violation of this policy, the principal shall suspend a student from school and/or from transportation and may recommend expulsion for possession of a controlled substance governed by the Uniform Controlled Substance Act. If the Superintendent makes such recommendation, the Board shall hold a hearing. If it is determined the student did commit the alleged conduct, the Board shall expel the student. ~~A student shall not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol and over-the-counter drugs. Pursuant to West Virginia Board of Education policy 4373, illegal substance related behaviors include violations of West Virginia Board of Education policy 2422.7 — Standards for Basic and Specialized Health Care Procedures and instances of prescription drug abuse.~~

E. Illegal Substance-Related Behaviors - Narcotic

Interventions and Consequences

A student found to have sold, possessed, or distributed 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 shall be suspended and expelled.

1. Alcohol

~~A principal may suspend a student from school or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, possessed alcohol in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to WV Code 18A-5-1a(c). If a student has been suspended pursuant to WV Code 18A-5-1a(c), the principal may request that the Superintendent recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board may expel the student.~~

2. Possession of a Controlled Substance

~~Pursuant to WV Code 18A-5-1a(b), if a student has been suspended for unlawfully possessing a controlled substance governed by the Uniform Controlled Substances Act as described in WV Code 60A-1-101 et seq.,~~

~~the principal or designee may request that the Superintendent recommend to the Board that the student be expelled.~~

3. ~~Sale or Distribution of a Narcotic Drug~~

~~If a student has been suspended for the sale or distribution of a narcotic drug pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (c), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.~~

[END OF OPTION 1]

x [OPTION 2 - County developed level/tier system, must utilize teacher input]

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

~~{x-}~~The Board shall train staff regarding the following behaviors and appropriate interventions and consequences.

LEVEL 1: Minimally Disruptive/~~Obstructive~~ Behaviors - disrupt or obstruct the educational process and the orderly operations of the school but do not pose direct danger to self or others

- A. _____
- B. _____
- C. _____
- D. _____

LEVEL 2: Disruptive/~~Obstructive~~ and Potentially Harmful Behaviors - disrupt or obstruct the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others

- A. _____
- B. _____
- C. _____
- D. _____

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

Prior to implementing interventions and consequences, refer to the earlier sections above, **Student Exclusion Procedures**, as appropriate for the grade level of the student involved, to ensure proper compliance with WV Code 18A-5-1.

The following Interventions and consequences are at the discretion of the school administrator for Levels 1, 2, and 3, with input considered from teachers/service personnel.

Interventions:

- A. Administrator/student conference or reprimand
- B. Administrator and teacher-parent or guardian conference
- C. Counseling referrals to support staff or agencies

- D. Notification of appropriate Health and Human Resources
- E. Daily/weekly academic and/or behavioral progress reports
- F. Referral to Student Assistance Team (SAT)
- G. Behavioral contracts
- H. Change in the student's class schedule, locker assignment, or seat assignment
- I. School service assignment
- J. Interventions provided through an MTSS framework
- K. Restorative Practices

*WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.

The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent or guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate ~~addition~~ **additional** services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

Consequences:

- A. Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced, if cheating did not occur on the earned grades and credits.
- B. Confiscation of inappropriate item.
- C. Revocation of privileges.
- D. Detention (lunch, before and/or after school).
- E. Denial of participation in class and/or school activities.
- F. Restitution/restoration.
- G. ~~Immediate exclusion by teacher from the classroom. When a teacher determines that the behavior of the student (grades 6 – 12) is disorderly conduct, interfering with an orderly educational process or disruptive to the classroom environment, the student may be excluded from the teacher's classroom and may not re-enter the classroom for the remainder of the instructional day. The teacher and principal shall discuss the exclusion within twenty four (24) hours, and the teacher shall enter the action into WVEIS within twenty four (24) hours of the incident. If a student is removed from class three (3) times within one (1) month for similar reasons, the principal may determine that in-school suspension, out-of-school suspension, or placement in an alternative learning center is appropriate. (WV Code 18A-5-1) Exclusion from classroom or bus: see above section, Student Exclusion Procedures.~~
- H. Voluntary weekend detention (State Superintendent of Schools' Interpretation of May 12, 2006).
- I. In-school suspension.
- J. While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it shall be limited to a maximum of three (3) days.
- K. ~~Out-of-school suspension with a recommended maximum of five (5) days (See Policy 5611) WV Code 18A-5-1(d) prohibits the use of suspension solely for not attending class.~~
- L. Out-of-school suspension for up to ten (10) days (see ~~Policy~~ **policy** 5611).
- M. The principal and/or Superintendent may recommend placement in an Alternative Education program. **Students in alternative learning centers, in alternative placements, or with a licensed behavioral health agency shall meet regularly with a school social worker, behavior specialist, 12 Board Certified behavior analyst, school psychologist, or other qualified employee with expertise in the behavioral area to address the behavioral and mental health concerns**

associated with the referral to the alternative learning center and to assist in developing a transition plan back to the classroom and assist with that transition.

N. Expulsion (see Policy 5611).

O. Law enforcement notification, if warranted. 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.

P. Upon receipt of a complaint of racial, sexual, and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff, or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school-sponsored functions, notification of law enforcement and/or human services.

LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in WV Code 18A-5-1a and 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1993. These laws require that the principal, Superintendent, and BoardCounty address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a.

A. Battery Against a School Employee

Interventions and Consequences

If a student has been suspended for battery on a school employee pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a ~~subsections (e), (f), and (g)~~ to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

B. Felony

Interventions and Consequences

Pursuant to WV Code 18A-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 this State if committed by an adult on the premises of an educational facility, at a school-sponsored function, or on a school bus, the principal or designee ~~shall~~ **may** request that the Superintendent recommends to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board ~~shall~~ **may** hold a hearing in accordance with WV Code 18A-5-1a ~~subsections (e), (f), and (g)~~ to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board ~~shall~~ **may** expel the student.

C. Possession and/or Use of Dangerous Weapon

Interventions and Consequences

If a student has been suspended for possession of a firearm or deadly weapon pursuant to WV Code 18A-5-1a(a), the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a ~~subsections (e), (f), (g)~~ to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.

D. Illegal Substance-Related Behaviors - ~~Nonnarcotic Sale or Distribution of a Narcotic Drug~~

Interventions and Consequences

If a student is suspended by the principal and the principal requests that the Superintendent recommend to the Board to expel the student, the Superintendent shall recommend to the Board that the Board expel the student for the following infractions: unlawfully possessing, using, or being under the influence of, distributing, or selling any substance containing alcohol, over-the-counter drugs, prescription drugs, any other substance included in the

Uniform Controlled Substances Act, or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WV Policy 2422.7, Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis by a student, and instances of prescription drug abuse (WV Policy 2442.7). This also includes the possession, use, or distribution of electronic cigarettes or vaporizing devices that possess any level of THC, or its derivative. If, after a hearing, the principal determines the student is in violation of this policy, the principal shall suspend a student from school and/or from transportation and may recommend expulsion for possession of a controlled substance governed by the Uniform Controlled Substance Act. If the Superintendent makes such recommendation, the Board shall hold a hearing. If it is determined the student did commit the alleged conduct, the Board shall expel the student. ~~If a student has been suspended for the sale or distribution of a narcotic drug pursuant to WV Code 18A-5-1a, the principal or designee shall, within twenty-four (24) hours, request that the Superintendent recommend to the Board that the student be expelled. Upon such request of the Superintendent by a principal or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with WV Code 18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board shall expel the student.~~

E. Illegal Substance-Related Behaviors - Narcotic

Interventions and Consequences

A student found to have sold, possessed, or distributed 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 shall be suspended and expelled.

[END OF OPTION 2]

Nothing in this policy may be construed to be in conflict with the Federal provisions of the IDEA (Public Law 105- 17), or with WV Code 126CSR16, West Virginia State Board of Education policy 2419, Regulations for the Education of Exceptional Students.

Procedures for Reporting Complaints of Inappropriate Behavior

~~School~~~~All school~~ employees are responsible for assuring a safe and supportive school climate and culture. When incidents of inappropriate behavior are witnessed or known by school staff, the behavior shall be addressed consistently in accordance with ~~West Virginia Board of Education~~ WVBE policy 4373 and this policy.

Students shall report any observed violation of Board Policy 5500 - Student Code of Conduct, to a school employee.

All violations of the Student Code of Conduct observed by school employees or reported to them by students or others shall be reported to the principal or designee. Appropriate action shall be taken as specified in this policy by the principal or designee.

~~When a student is excluded from the classroom by the teacher for disorderly conduct, interfering with an orderly educational process or behaving in a manner that is disruptive to the classroom environment, the teacher has twenty-four (24) hours to create an electronic record and place the report on this action into West Virginia Education Information System (WVEIS), without any repercussion.~~

Employee failure to report a violation of responding in a manner that does not promote understanding and respect shall be addressed to their evaluation and may subject them to disciplinary action.

All inappropriate behaviors observed by public guests must be reported to appropriate personnel.

Any person who believes s/he 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 shall report the alleged acts immediately to a teacher, bus operator or principal or designee as appropriate. This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the State criminal statutes and/or Federal law, including Title IX.

Any student who falsely reports violations of this policy shall be subject to Level 3 disciplinary action.

Any administrator or other school personnel who falsely reports violations of this policy shall be subject to disciplinary action, up to and including dismissal.

[NOTE: Pursuant to West Virginia State Board of Education policy 4373, a County shall develop a process to take appropriate action against any student, administrator or other school personnel who falsely reports violations of this policy.]

Procedures for Investigating Allegations of Inappropriate Behavior

The County designee shall immediately undertake or authorize an investigation upon receipt of a report or complaint. The investigation may be conducted by school/County officials, or by a third party designated by the County, in accordance with this policy and procedures.

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 ~~any~~ student is to be interviewed pursuant to a level 3 or level 4 behavior, a reasonable effort shall be made to contact the student's parent or guardian and invite them to be present during such interview, provided such notification does not compromise overall school/student safety. 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 the investigation shall be completed as soon as practicable but no later than ten (10) school days following the reported violation and beyond the initial response, assure educational services to all students involved are not disrupted during the investigative process.

A written WVEIS report shall be provided. ~~The investigator shall make a report~~ to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

The report shall be recorded and filed at the school/County level as determined in County policy ~~appropriate~~. A written notice of the conclusion ~~The result~~ of the investigation ~~will of each complaint filed under these procedures shall~~ be reported ~~in writing~~ to the complainant or his/her legal guardian by the principal or his/her designee, but the report itself will not be shared with the complainant or the complainant's legal guardian.

Upon completion of the investigation, the principal shall determine whether the alleged conduct constitutes a violation of this policy, West Virginia State Board of Education policy 4373 or WV Code 18A-5-1a.

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

County Board of Education Action and Reporting

Schools shall accurately track incidents of inappropriate behavior and interventions/consequences in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns.

Upon receipt of a report substantiated by staff observation or by the investigation, the principal, Superintendent or Board shall take appropriate action against those found to have violated the Student Code of Conduct. (see Board Policy 5500 - Student Code of Conduct) ~~In determining the appropriate intervention and/or consequence in response to a level 1 or level 2 behavior, the principal, Superintendent or Board shall consider the 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.~~ Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition to registering informational incidents of inappropriate behavior at the classroom level on the WVEIS, these reports, including the action taken against the violators of the Student Code of Conduct, shall be filed in:

- A. ☐ the permanent record of the student housed at the ☐ school ☐ central **[END OF OPTION]** office
- B. ☒ a separate file (paper or electronic) maintained for each student investigation housed at the ☒ school ☐ central **[END OF OPTION]** office

C. ☐ an "investigations" file (paper or electronic) maintained by the ☐ principal ☐ Superintendent's designee **[END OF OPTION]**

D. ☐ _____

The principal or Superintendent shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with the Student Code of Conduct. (~~See~~ Board Policy 5500 - Student Code of Conduct)

The principal and/or other authorized staff shall promptly enter all teacher level documentation as well as an additional entry for administrative disciplinary actions into WVEIS. The teacher level documentation shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal. The Superintendent and/or other authorized staff shall promptly enter the data of the Board's action resulting from expulsion hearings WVEIS.

The principal shall support teachers in the discipline of the students if proper cause and documentation is provided following the schoolwide discipline policy. A teacher may not be reprimanded if their actions are legal and within the structure of the County's policy for student behavior and consequences. If the behavior of the student is considered to be a personality clash and the student may learn better in a different classroom environment, the principal may remove the student immediately and protect the integrity of the classroom.

A teacher may appeal to the Superintendent 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.

Reprisal

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 shall be in violation of the Student Code of Conduct and a level 3 offense as classified by the Board. An employee who retaliates against any person named above shall be subject to disciplinary action up to and including dismissal. Reprisal includes, but is not limited to, any form of intimidation, retaliation or harassment.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the State criminal statutes and/or Federal law, including Title IX.

Appeals Procedures

If someone believes the Board has violated the procedural rights set forth in this policy, the person may follow the appeal procedures outlined in ~~West Virginia Board of Education~~ WVBE policy 7211 - Conflict Resolution Process for Citizens. The procedures set forth in ~~West Virginia Board of Education~~ WVBE policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

[x] County Partnership Development

The Board ☐ shall ☒ may **[END OF OPTION]** establish County agency and organization partnerships with the purpose of providing the County's schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in ~~West Virginia Board of Education~~ WVBE policy 4373. At the County level, memoranda of understanding and/or contracts are necessary whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements shall clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e., funding, space, staff, and data).

County Policy Dissemination and Training

The Board shall develop and implement an ongoing awareness campaign to provide that all students, staff, and parents/guardians understand this policy and ~~West Virginia Board of Education~~ WVBE policy 4373.

The Board shall require that all schools provide appropriate policy training.

This policy shall be made readily available to the public in written or electronic format.

The school bus operator shall display the major concepts of ~~West Virginia Board of Education~~ WVBE policy 4373 as per ~~West Virginia Board of Education~~ WVBE policy 4336 in his/her school bus.

County Implementation Plan

The Board shall address within the Student Support Goal of their strategic plan objectives for policy implementation that ensures each school incorporates the following:

- A. Use of pro-active strategies to develop and support positive behavior in students.
- B. Application of data-driven continuous school climate/culture improvement activities that reflect the particular needs of students and staff members to study, learn and work in positive school climate/culture.
- C. Application of appropriate and consistent interventions for all forms of inappropriate behaviors.

To the maximum extent possible, the implementation plan shall be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and State and local agencies. The plan shall articulate and incorporate the partnership supports and resources that are available to schools through the County's formal and informal partnership agreements.

County Evaluation of Effectiveness

The County shall review this policy in compliance with Federal and State law and West Virginia Board of Education policy 4373 and other applicable West Virginia Board of Education policies.

To assess the effectiveness of this policy, an annual review of the following data shall be conducted:

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

☒ School Partnership Development

Each school shall establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in ~~West Virginia Board of Education~~ WVBE policy 4373. Formal partnerships between community service agencies must be approved by the Board.

School Policy Dissemination and Training

To ensure understanding of this policy and the school implementation plan, each school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

This policy shall appear in the student and staff handbooks and if no handbook is available, a copy shall be distributed to all students, () parents, faculty, and staff.

☐ This policy or a summary shall be conspicuously posted throughout the Board's facilities in areas accessible to students and staff members.

The County and/or school shall develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy.

School Implementation Plan

Plans for the implementation of ~~West Virginia Board of Education~~ WVBE policy 4373 and this policy () shall (x) should **[END OF OPTION]** be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn, and work in a positive school climate/culture. To the maximum extent possible,

the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and State and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the County's formal and informal partnership agreements as well as through additional school-level partnerships.

At a minimum, schools shall:

- A. establish a leadership team (may be an existing team) to manage the design, monitoring, and improvement of school climate/culture;
- B. establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents, and community;
- C. develop school-wide priorities for ~~West Virginia Board of Education~~ WVBE policy 4373;
- D. analyze school climate/culture data annually;
- E. make data-driven improvement decisions based on analysis of consistently tracked student behaviors;
- F. implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- G. implement programs/practices that promote youth asset development to support expected student behaviors, positive education, and health outcomes;
- H. implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- I. develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- J. evaluate school climate/culture improvement processes and revise as needed.

School Evaluation of Effectiveness

The school shall review data annually to determine the effectiveness of their implementation plan. This data review may include but not be limited to the following outcome and process data sets:

- A. progress toward implementation plan goals and objectives;
- B. evidence of school climate/culture improvement efforts;
- C. required LSIC reports (WV Code 18-5A-2);
- D. trend analysis from school climate/culture survey tools (as available);
- E. summary data for incidents of inappropriate behavior and intervention responses to incidents; and
- F. evaluation data from training and staff development provided by the County, () ESC, and/or WVDE.

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Legal	West Virginia Board of Education policy 4373
	WV Code 18-5A-1
	WV Code 18-5A-2

Cross References	po5500 - STUDENT CODE OF CONDUCT
	po5605 - DISCIPLINE FOR SPECIAL EDUCATION STUDENTS
	po5610 - EXCLUSION FROM CLASSROOM OR SCHOOL BUS, SUSPENSION, AND EXPULSION OF STUDENTS

po5610.04 - SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND
EXCLUSION FROM SCHOOL BUS

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Special Update 9/24-Ready for TAA/Directors
Title	Special Update - Attendance, Areas of Shortage and Student Conduct - September 2024 Revised EXCLUSION FROM CLASSROOM OR SCHOOL BUS, SUSPENSION, AND EXPULSION OF STUDENTS
Code	po5610
Status	
Adopted	May 26, 2015
Last Revised	April 23, 2024

Revised Policy - Special Update - September 2024

5610 - EXCLUSION FROM CLASSROOM OR SCHOOL BUS, SUSPENSION, AND EXPULSION OF STUDENTS

The Board of Education recognizes that exclusion from the educational program of the schools, whether by exclusion from a classroom or school bus, out-of-school suspension or expulsion, is the most severe sanction that can be imposed on a student in this County, and one that cannot be imposed without due process. The Board takes very seriously its role in providing a safe, nurturing, and orderly learning environment for its students, free from drugs, violence, harassment, and other disruptive and/or inappropriate behavior. Therefore, the provision of this policy shall be enforced strictly.

No student is to be excluded from a classroom or school bus, suspended out-of-school, or expelled unless his/her behavior represents misconduct as specified in West Virginia Board of Education policy 4373, and/or the Student Code of Conduct approved by the local Board, and/or the West Virginia Safe Schools Act. The Student Code of Conduct shall specify the procedures to be followed by school officials when implementing student discipline. When conducting hearings regarding student discipline matters, the Board shall use a preponderance of evidence standard. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures and considerations shall apply to students identified as disabled under the IDEA, ADA, and/or Section 504 of the Rehabilitation Act of 1973. (See Policy 5605 - Discipline for Special Education Students)

Students may be subject to discipline for violations of West Virginia Board of Education policy 4373, and/or the Student Code of Conduct approved by the local Board, and/or the West Virginia Safe Schools Act even if that conduct occurs on property not owned or controlled by the Board but where such conduct is materially connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

For purposes of this policy and the Student Code of Conduct, the following shall apply:

- A. Excluded shall be the exclusion by a teacher from the classroom or the exclusion by the bus operator from the bus of a student who is guilty of disorderly conduct; in any manner interferes with an orderly educational process; behaves in a manner that obstructs the teaching or learning process of others in the classroom; threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a 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 or bus operator that the student may be readmitted and specifies the specific type of disciplinary action, if any, which was taken. If the principal finds that disciplinary action is warranted, s/he shall provide written and, if possible, telephonic notice of the action to the parent, guardian(s) or custodian(s). When a student is excluded from a classroom or a school bus, two (2) times in one (1) semester, and after exhausting all reasonable methods of classroom discipline or bus discipline provided in the school discipline plan or bus discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher or bus operator and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and agree on a course of action. If the parent, guardian, or custodian are not present at the conference, then the parent, guardian, or custodian must be notified of the course of action.

Thereafter, if the student's disruptive behavior in class persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. If a student has been disciplined two (2) times in one (1) semester by a school bus operator, the bus operator shall notify the student and the student's principal. The principal/designee shall notify the student's parent, guardian, or custodian. The student shall be transported until the parent/guardian/custodian ~~has~~ have been properly notified of the exclusion. The principal/designee shall notify the parent, guardian, or custodian when the student 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.

When a grade 6 through 12 teacher, excluding an elementary school teacher, determines that the behavior of a 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.

If the student is excluded:

1. The principal shall communicate with the teacher within twenty-four (24) hours of the student being excluded from the teacher's classroom about the exclusion; and
 2. The teacher has twenty-four (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
 3. If the student is removed from a classroom a total of three (3) times in one (1) month for one (1) or more of the behaviors set forth in this subsection, 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 an alternative learning center if one is available within the County; and-
 4. If a school principal refuses to allow the exclusion of a student from the classroom or a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom, the teacher may appeal that decision to the County Superintendent, in writing, within ~~Five~~ Five (5) days of the decision. The Superintendent shall investigate the circumstances and determine whether further discipline shall be imposed.
- B. Suspension shall be the temporary exclusion of a student by the principal, assistant principal, or designee of the principal from regular classroom/instructional program or the school. Suspension may extend beyond the current school year, if at the time a suspension is imposed, fewer than ten (10) days remain in the school year. The principal, assistant principal, or the principal's designee may apply any or all of the period of suspension to the following year. The procedures for suspension are set forth in the Student Code of Conduct and Board Policy 5611 – Discipline - Student Due Process Rights. A suspension of more than ten (10) days requires a formal hearing before the County Board of Education. Procedures the school and County must follow when processing suspensions of more than ten (10) days are outlined in WV Code 18A-5-1 and WV Code 18A-5-1a.

A student may not participate in any school-sponsored activities, or be permitted on school grounds during the period of suspension without the written permission of school officials.

The following offenses require the mandatory out-of-school suspension of the student by the principal or designee, from school, or from transportation to or from the school on any school bus, after an informal hearing pursuant to subsection (d) of the WV Code 18A-5-1a.

1. Felony

Committing an act or engaging in conduct that would constitute a felony under the laws of this State if committed by an adult; on the premises of an educational facility, at a school-sponsored function, or on a school bus. Such acts that would constitute a felony include, but are not limited to, arson, malicious wounding and unlawful wounding, bomb threat, sexual assault, terrorist act or false information about a terrorist act, hoax terrorist act, burglary, robbery and grand larceny. The principal or designee ~~shall~~ may request that the Superintendent recommend to the Board that the student be expelled.

2. Possession of Controlled Substance

~~Unlawfully possessing a controlled substance governed by the Uniform Controlled Substances Act as described in WV Code 60A-1-101 et seq. The principal or designee may request that the Superintendent recommend to the Board that the student be expelled.~~

3. Battery

Battery on a school employee. The principal or ~~designee~~^{designee}, shall, within twenty-four (24) hours, request that the Superintendent ~~recommends~~^{recommend} to the Board that the student be expelled.

4. Possession and/or Use of a Firearm or Deadly Weapon

Possession of a firearm or deadly weapon pursuant to WV Code 18A-5-1a, the principal or ~~designee~~^{designee}, shall, within twenty-four (24) hours, request that the Superintendent ~~recommends~~^{recommend} to the Board that the student be expelled.

5. Illegal Substance-Related Behaviors-Sale of a - Narcotic Drug

Sale/~~possession/distribution~~ of a narcotic drug as defined ~~pursuant to~~ in WV Code 60A-1-101~~WV Code 18A-5-1a~~, the principal or ~~designee~~^{designee}, pursuant to WV Code 18A-5-1a, shall suspend and, within twenty-four (24) hours, request that the Superintendent ~~recommends~~^{recommend} to the Board that the student be expelled.

6. Illegal Substance-Related Behaviors - Nonnarcotic

Possess, use, be under the influence of, distribute, or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, any other substance included in the Uniform Controlled Substances Act as described in WV Code §60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of the County, including all activities or events sponsored by the county school district. This includes violations of WV Policy 2422.7, Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis By a Student, and instances of prescription drug abuse (Policy 2442.7). This also includes the possession, use, or distribution of electronic cigarettes or vaporizing devices that possess any level of THC, or its derivative. The principal shall suspend a student from school and/or from transportation and may recommend expulsion for possession of a controlled substance governed by the Uniform Controlled Substance Act. The principal determines consequences for other violations listed herein.

*Provisions for medical cannabis can be found in WV Policy 2422.7.

C. Only the Board may expel a student. The procedures for expulsion are set forth in WV Code 18A-5-1, the Student Code of Conduct, and Board Policy 5611 – Discipline - Student Due Process Rights.

Upon the recommendation of the principal, the Superintendent may recommend to the Board that a student be expelled for a time period not to exceed one (1) school year if the student:

1. ~~threatens~~^{threatened} to injure, or in any manner ~~injures~~^{injured}, a student, teacher, administrator or other school personnel;
2. willfully ~~disobeys~~^{disobeyed} a teacher;
3. ~~possesses, uses, is under the influence of, distributes, or sells any substance containing alcohol, over-the-counter drugs, prescription drugs, any other substance included in the Uniform Controlled Substances Act as described in WV Code §60A-1-101, et seq., or any paraphernalia intended for the manufacture, sale, and/or use of illegal substances in any building/area under the control of the County, including all activities or events sponsored by the county school district. This includes violations of WV Policy 2422.7, Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis By a Student, and instances of prescription drug abuse (Policy 2442.7). This also includes the possession, use, or distribution of electronic cigarettes or vaporizing devices that possess any level of THC, or its derivative.~~^{possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function;}
4. ~~uses~~^{used} profane language directed at a school employee or student; intentionally ~~defaces~~^{defaced} any school property;
5. ~~participates~~^{participated} in any physical altercation with another person while under the authority of school personnel;
6. ~~committed an act or engaged in conduct that would constitute a felony under the laws of West Virginia 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, sexual assault, terrorist act or false information~~

~~about a terrorist act, hoax terrorist act burglary, robbery, and grand larceny;~~

7. ~~unlawfully possessed on the premises of an educational facility or at a school sponsored function a controlled substance governed by the Uniform Controlled Substances act as described in WV Code 60A-1-101 et seq.;~~
or
8. habitually violates~~violated~~ school rules or policies.

The following offenses require the mandatory recommendation for expulsion of the student by the Superintendent, and if after the Board hearing, a mandatory twelve (12) ~~month~~-calendar month expulsion by the Board if the Board finds that the student did commit the alleged violation:

1. battery of school employee
2. possession of a firearm or deadly weapon
3. sale/~~possession/distribution~~ of a narcotic drug
4. felony

The Superintendent may lessen the mandatory one (1) year period of expulsion for those offenses above if the circumstances of the student's case demonstrably warrant such a reduction. Upon the reduction of the period of expulsion, the Superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrants the reduction of the period of expulsion. The Superintendent shall submit the statement to the Board, the principal, the faculty senate and the local school improvement council for the school from which the student was expelled. The Superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve (12) ~~calendar~~ month expulsion:

1. the extent of the student's malicious intent;
2. the outcome of the student's misconduct;
3. the student's past behavior history;
4. the likelihood of the student's repeated misconduct; and
5. if applicable, successful completion or making satisfactory progress toward successful completion of Juvenile Drug Court.

Expulsion of a Dangerous Student

A dangerous student means 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. The Board may attempt to establish the student as a dangerous student at a hearing to determine the expulsion of the student. In a notice to the parent/guardian, the Board shall state clearly whether the Board will attempt to establish the student as a dangerous student and shall include any evidence to support its claim in this notice of the hearing date and time.

If the Board did not intend prior to a hearing to assert a dangerous student claim, did not notify the student prior to the hearing that such a determination, would be considered and, if the Board determines through the course of the hearing that the student may be a dangerous student, it shall schedule a second hearing within ten (10) days to decide the issue. The hearing may be postponed for good cause shown by the student, but s/he remains under suspension until after the hearing.

If the Board expels a student, and finds that the student is a dangerous student, it may refuse to provide alternative education. When the student is found to be a dangerous student, is expelled and is denied alternative education, a hearing shall be conducted within three (3) months after the refusal by the Board to provide alternative education to re-examine whether or not the student remains a dangerous student and whether the student shall be provided alternative education. A hearing for the purpose of re-examining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three (3) months for so long as the student remains a dangerous student and is denied alternative education. During the initial hearing, or in any subsequent hearing, the Board may consider the history of the student's conduct as well as any

improvements made subsequent to the expulsion. If it is determined during any of the hearing that the student is no longer a dangerous student or shall be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.

The Board shall provide for an alternative education for a student that has been expelled from school, except it may refuse an alternative education for a dangerous student.

The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion must be imposed for the same duration it would have been had the student remained enrolled.

A student's application may be denied if the student is, at the time of application, expelled from any public or private school in another state or county in West Virginia. This does not apply to a student domiciled in the County.

Nothing in this policy shall be interpreted to violate the Individuals with Disabilities Education Act, The Americans with Disabilities Education Act, or West Virginia Board of Education policy 2419.

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Legal	West Virginia Board of Education policy 2419, policy 4336, and policy 4373
	WV Code 18A-1-1
	WV Code 18A-5-1a
	18 U.S.C. Section 921
	20 U.S.C. 3351
	20 U.S.C. 7151
	20 U.S.C. 8921

Cross References	po5500 - STUDENT CODE OF CONDUCT
	po5600 - STUDENT DISCIPLINE
	po5605 - DISCIPLINE FOR SPECIAL EDUCATION STUDENTS
	po5610.04 - SUSPENSION OF SCHOOL TRANSPORTATION PRIVILEGES AND EXCLUSION FROM SCHOOL BUS

Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Vol 16-2/Vol 17-2 Ready for TAA/Director
Title	SCHOOL-SPONSORED STUDENT MEDIA
Code	po5722
Status	
Adopted	May 26, 2015
Last Revised	July 23, 2024

5722 - SCHOOL-SPONSORED STUDENT MEDIA

The Board of Education sponsors student media and ~~allow~~ allows for free expression of student journalists.

Definitions

[DRAFTING NOTE: Pursuant to W.V. Code 18B-21-3, the following definitions are included to be consistent with current statutory requirements regarding school-sponsored media and its publication.]

School-sponsored media means any material that is prepared, substantially written, published, or broadcast, in any media by a student journalist at a public high school, college, or university under the supervision of a student media adviser and distributed or generally made available to members of the student body. School-sponsored media does not include media intended for distribution or transmission for classroom purposes only.

Student journalist means a public high school, college, or university student who writes, edits, photographs, records, or prepares information for inclusion in school-sponsored media.

Student media adviser means an individual employed, appointed, or designated by a public high school, college, or university to supervise or provide instruction relating to school-sponsored media.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to minors as that term is defined in the Children's Internet Protection Action (CIPA); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law.

Student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored media are nonpublic forums. As nonpublic forums; the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

[DRAFTING NOTE: With respect to student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions, select Option 1, Option 2, Option 3, Option 4, or Option 5.]

[] OPTION 1

[x] Nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public). () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION 1]

[] OPTION 2

[] While nonpublic forum student expression generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student expression may be published/performed only to members of the school community: _____ **[identify]** (). See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION 2]**x] OPTION 3**

[x] While ordinarily nonpublic forum student expression may be published/performed only to members of the school community, the Superintendent may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the Superintendent a request for prior written approval for such publication/performance. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION 3]**[] OPTION 4**

[DRAFTING NOTE: The Board should select either Option 2 or Option 3 if it has authorized the limited use of District-approved Social Media to publish/perform nonpublic forum student expression.]

[] While ordinarily nonpublic forum student expression may be published/performed only to members of the school community, the following nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public): _____ **[identify]**. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION 4]**[] OPTION 5**

[DRAFTING NOTE: The Board should select this option if it has prohibited the use of District-approved Social Media to publish/perform nonpublic forum student media, with the exception of nonpublic forum student media that is disseminated through District-approved Social Media-Media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]

[] Nonpublic forum student expression may be published/performed only to members of the school community. () See Board Policy 9160 – Public Attendance at School Events.

[END OF OPTION 5]

[DRAFTING NOTE: The Board intends, pursuant to W.V. Code 18B-21-1 et seq., to designate all school-sponsored media to be limited-purpose public forums (i.e., not subject to prior review/restraint).]

The Board designates all school-sponsored media as limited-purpose public forums where students can address matters of concern and/or interest to their readers/viewers. All school-sponsored media may be published/performed outside the school community. The student journalists, content-creators and/or performers involved in these publications/ productions have the right to determine the content of the media.

The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers. School officials shall not review or restrict the content of school-sponsored student media prior to publication/performance, except with respect to unprotected speech.

All school-sponsored media shall contain a notice to the reader/viewer that the material, while school-sponsored, is student directed and not subject to prior review and shall not be considered to be an expression of Board policy. Given all school-sponsored media has been designated as limited-purpose public forums, the school assumes no liability for their content. School administrators shall not be held responsible in any civil or criminal action for any expression made or published by students pursuant to State law and identified under this policy.

~~With editorial control comes responsibility.~~ Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with **any applicable** professional

~~journalism/artistic/theatrical/broadcast~~ standards.

A student journalist following the requirements established herein shall not be subject to discipline. If a student journalist has been disciplined, they may appeal utilizing the following process:

A. Level 1

The matter must be addressed initially to the principal, who shall conduct an appropriate investigation and document the content that led to the discipline to determine if the student journalist was disciplined due to protected speech, the discipline imposed, and the requested relief sought by the student journalist.

The student journalist shall be notified of the principal's determination in writing in a reasonable time.

B. Level 2

If the student journalist believes the principal's determination has not satisfactorily resolved the dispute and/or the student journalist believes the principal's determination that the student journalist did engage in protected speech, they may submit an appeal to the Superintendent.

A written request for a conference shall be submitted to the Superintendent.

(x) This request shall include:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the student journalist has been affected adversely;
3. the action ~~which~~ that the student journalist wishes to be taken and the reasons why it is felt that such action be taken.

The Superintendent shall provide the student journalist with a written decision based on the review of the investigation and any further inquiry that was deemed necessary.

(x) The decision of the Superintendent shall be final.

[DRAFTING NOTE: Only include this Level if you will allow a student journalist to appeal the decision of the Superintendent to the Board.]

C. Level 3

Should the matter still not be resolved and ~~requires~~ require a Board decision or action, the student journalist shall request, in writing, a meeting with the Board.

The Board, after reviewing all material relating to the case, shall () provide the student journalist with its written decision. (x) grant a meeting [end of option]. (x) before the Board. () before a committee of the Board. **[end of options]**

The complainant shall be advised, in writing, of the Board's decision, no more than fifteen (15) business days following the meeting. The Board's decision shall be final on the matter.

Any student, student journalist, or student media adviser may institute proceedings for injunctive or declaratory relief in any court of competent jurisdiction to enforce the rights provided in State law and this policy.

[NOTE: The following paragraph is optional.]

[x] Students will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform's/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform's/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint neutral manner and consistent with State and Federal law.

☐ Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

A student media advisor shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist engaged in permissible conduct or refusing to infringe on conduct that is protected by the ~~First~~ First Amendment to the United States Constitution, Article 21 Student Journalist Press Freedom Protection act, or this policy.

[DRAFTING NOTE: CHOOSE ONE (1) OF THE FOLLOWING TWO (2) OPTIONS RE: ADVERTISING.]

☒ **OPTION 1 [Select if the Board intends to permit advertising in some or all school-sponsored student media that are designated to be limited-purpose public forums, and the students involved in the specific publications/productions will be responsible for accepting or rejecting the advertisements.]**

Advertising is permitted in **(x)** all school-sponsored student media that have been designated as limited-public forums. **()** the following school-sponsored student media ~~that~~ have been designated as limited-purpose public forums: **[identify publications/productions]**

Yearbook

School Newspaper

Other Printed Material

Any advertisements must be consistent with Policy 9700.01 **()** and AG 9700B.

The students in the class(es)/activity(ies) associated with school-sponsored media, as limited-purpose public forums will determine whether to include advertisements in the publications/productions. Acceptance or rejection of specific advertisements is within the control of the publication/production staff, which may **accept any ads** except those for activities, products, or services that are illegal for students and/or that violate State or Federal law.

☒ The publication/production staff is encouraged to consider the age appropriateness of the ads they select.

☐ **OPTION 2 [Select if the Board intends to prohibit advertisements in all student publications/productions.]**

Advertising is not permitted in school-sponsored student media.

[END OF OPTIONS RE: ADVERTISING]

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Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Volume 17-2 Ready for TAA/Director
Title	New Policy - Volume 17, No. 2 - August 2025 - PARENTS' BILL OF RIGHTS
Code	po5780.01
Status	

New Policy - Volume 17, No. 2 - August 2025

5780.01 - PARENTS' BILL OF RIGHTS

The Legislature finds that it is a fundamental right of parents to direct the upbringing, education, care, and medical care of their minor children. The Legislature further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his/her parent, including information relating to the minor child's health, well-being, and education, while the minor child is in the custody of the County. For purposes of this policy, the term "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

Infringement of Parental Rights

The state, any of its political subdivisions, any other governmental entity, or any other state institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his/her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.

Parental rights

All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other state institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

- A. The right to direct the education and care of his/her minor child.
- B. The right to direct the upbringing and the moral or religious training of his/her minor child.
- C. The right to apply to enroll his/her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.
- D. The right to access and review all school records relating to his/her minor child.
- E. The right to make health care decisions for his/her minor child, unless otherwise prohibited by law.
- F. The right to parental rights guaranteed by this policy shall not be denied or abridged on account of disability.

A parent may raise this article as a defense before any court or administrative tribunal. In addition, any person aggrieved by the provisions of this article may bring an action for injunctive relief against a person who engages in conduct that constitutes a violation of this article in the circuit court of any county in which any part of the conduct occurs. The circuit court may grant any appropriate injunctive relief to prevent or abate the conduct, including a temporary restraining order, preliminary injunction, or permanent injunction.

Limitations

This policy does not:

- A. Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his/her minor child in violation of general law.

- B. Condone, authorize, approve, or apply to a parental action or decision that would end life.
- C. Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his/her official capacity within the reasonable and prudent scope of his/her authority; or
- D. Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

Any employee of the Board of Education may be subject to disciplinary action if the employee encourages, coerces, or attempts to encourage or coerce a minor child to withhold information from the minor child's parent.

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Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Volume 17-2 Ready for TAA/Director
Title	New Policy - Volume 17, No. 2 - August 2025 - STUDENT GROUPS
Code	po5840
Status	

New Policy - Volume 17, No. 2 - August 2025

5840 - STUDENT GROUPS

It is the policy of the Board of Education that student groups be recognized as authorized school organizations only if they are approved by the school administration, sponsored by school-approved personnel, composed of members of the current student body, hold the majority of their meetings at school, and have established aims which are educational in nature.

Membership or participation in the organization or operation of any fraternity, sorority, or other secret group as described by law is prohibited throughout the School District. In particular, the Board shall not tolerate any type of gang or gang-related or organized criminal enterprise activity to occur on District property or while students are under the auspices of the Board.

"Gang" means any ongoing organization, association, or group of three (3) or more persons, whether formal or informal, having as one of its activities the commission of one or more qualifying offenses, and whose members engage in or have engaged in qualifying offenses.

Organized criminal enterprise" means a combination of five or more persons engaging over a period of not less than six months in one or more of the qualifying offenses set forth in this policy.

"Qualifying offense" means a violation of the felony laws as per WV Code 61-13-2.

Any person who knowingly and willfully becomes a member of a gang or an organized criminal enterprise, and who knowingly promotes, furthers, or assists in the commission of any qualifying offense himself or herself or in combination with another member of an organized criminal enterprise or gang, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not more than ten (10) years or fined not more than \$25,000, or both imprisoned and fined. The offense set forth in this subsection is separate and distinct from that of any qualifying offense and may be punished separately.

Any person who knowingly solicits, invites, recruits, encourages, or causes another to become a member of an organized criminal enterprise or gang, or to assist members of an organized criminal enterprise or gang, to aid or assist in the commission of a qualifying offense by one or more members of an organized criminal enterprise or gang, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not more than five (5) years or fined not more than \$10,000, or both imprisoned and fined. The offense set forth in this subsection is separate and distinct from that of any qualifying offense and may be punished separately.

Any person who shall, by threats, menaces, or otherwise, intimidate, or attempt to intimidate, a witness for the state in any prosecution under the provisions of this article, for the purpose of preventing the attendance of the witness at the trial of the case or to change testimony, or shall in any way or manner prevent, or attempt to prevent, the attendance of any witness at the trial, shall be guilty of a felony and, upon conviction, shall be confined not more than ten (10) years.

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Legal	WV Code 61-13-1 thru 61-13-3
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Book	Public Comment Period 4/17/26 thru 5/5/26
Section	Volume 17-2 Ready for TAA/Director
Title	Revised Policy - Volume 17, No. 2 - August 2025 - STUDENT EMPLOYMENT
Code	po5895
Status	
Adopted	May 26, 2015

Revised Policy - Volume 17, No. 2 - August 2025

5895 - STUDENT EMPLOYMENT

The Board of Education believes that attendance at school should occupy a student's full attention and should take precedence over nonschool-related employment.

If a student must work while attending school, s/he should receive counseling and assistance in seeking appropriate job opportunities and in correlating work schedules with school studies and activities.

A student who is fourteen (14) or fifteen (15) years of age may be employed or permitted to work in any gainful occupation, except as provided in West Virginia Code, when the person, firm, or corporation by whom the student is employed or permitted to work, obtains and keeps on file and accessible to officers charged with the enforcement of labor laws, the written consent of the parent or parents, guardian, or custodian of the student.

If the student employment is part of the ~~Work-Based~~ **Work-Based** Learning opportunity provided by the Board, the Superintendent shall develop criteria under which such employment may result in earned credits by the participating students.

Whether the work experience is of necessity or elected as part of the ~~Work-Based~~ **Work-Based** Learning opportunity, the Superintendent shall prepare guidelines which will ensure:

- A. (**x**) that student employment complies with West Virginia laws;
- B. () all students employed in out-of-school jobs are closely monitored by staff regarding school attendance and achievement in order to determine the effects on school performance of the student assuming out-of-school work commitments.

West Virginia ~~State~~ Board of Education policy 2510

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Legal	West Virginia Board of Education policy 2510
	WV Code 21-6-3 thru 21-6-10