

**HARRISON COUNTY SCHOOLS**  
**STUDENT CODE OF CONDUCT**

**And**

**DISCIPLINE POLICY**

**4101.1. General Provisions.**

4101.1.1. Scope. -- This rule sets the requirements for the conduct of students of Harrison County Schools in order to assure a nurturing and orderly, safe, drug-free, violence- and harassment-free learning environment that supports student academic achievement and personal-social development.

4101.1.2. Authority. -- W.Va. Constitution, Article XII, §2, and W.Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2C-1 et seq., 18-2-33, 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 61-2-15, 61-7-2, 61-7-11a, and 60A-7-11a.

**4101.2. Purpose.**

4101.2.1. The Harrison County Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a nurturing and orderly, safe, and stimulating educational environment. The purpose of these regulations is to provide Harrison County Schools with a policy of student conduct that will ensure an orderly and safe environment that is conducive to learning. These regulations also require that Harrison County Schools respond immediately and consistently to incidents of harassment, intimidation, bullying, substance abuse, violence and/or other Student Code of Conduct violations in a manner that effectively deters future incidents and affirms respect for individuals. Harrison County has designed and implemented prevention and response programs and has outlined investigatory and reporting procedures and delineates penalties for violations of this policy. The Harrison County Board of Education believes further that our schools should undertake proactive, preventive approaches to ensure a nurturing, orderly and safe school environment that fosters learning and personal-social development. Harrison County Schools will create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive program supported by everyone in the school organization, as well as parents/guardians, and the community. Any form of harassment, intimidation, bullying, substance abuse, violence, or other policy violation is unacceptable in Harrison County schools. All students at each grade level will be instructed and educated regarding the students' responsibilities and expectations to establish such an environment. Important educational components for students will consist

of raising awareness of the different types of Student Code of Conduct violations, how they are manifested, their devastating emotional and educational consequences and their potential legal implications.

### **4101.3. Student Code of Conduct.**

4101.3.1. All students enrolled in Harrison County schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development.

4101.3.2. Students will help create an atmosphere free from bullying, intimidation and harassment.

4101.3.3. Students will demonstrate honesty and trustworthiness.

4101.3.4. Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.

4101.3.5. Students will demonstrate responsibility, use self-control and be self-disciplined.

4101.3.6. Students will demonstrate fairness, play by the rules, and will not take advantage of others.

4101.3.7. Students will demonstrate compassion and caring.

4101.3.8. Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

### **4101.4. Application.**

4101.4.1. These regulations apply to all students attending public schools in Harrison County 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 Harrison County Board of Education, RESA or state department of education, or in another facility being used by any of those agencies. Students who do not behave in a manner that promotes a nurturing, orderly, safe environment conducive to learning will be subject to the Levels of Response to Violations as outlined in this policy.

4101.4.2. This policy does not supersede any rights granted to special education students by Federal or State law or other West Virginia Board of Education policy. Special education students are also subject to the regulations contained in WVDE Policy 2419, *The Regulations for the Education of Exceptional Students*.

#### **4101.5. Attendance Policy.**

4101.5.1. The Harrison County Board of Education emphasizes the value of regular attendance in enabling students to benefit from the school's education programs. West Virginia Board of Education Policy 4110, W.Va. §126CSR81, Attendance, and the Harrison County Board of Education Attendance Policy places responsibility on students to attend school on a daily basis, and on each parent or guardian to send his/her child(ren) to school on a daily basis.

4101.5.2. Absences resulting from the mandatory suspension/expulsion of a student due to a violation of West Virginia Code §18A-5-1a (battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug) shall not be calculated in the school's/county's attendance rate.

#### **4101.6. Violations of the Student Code of Conduct.**

4101.6.1. The following actions and activities committed by a student shall be violations of this policy and shall subject the student to the penalties set forth herein or in other provisions of policy or law.

4101.6.2. In any case where a violation of criminal law has occurred, the administration must refer the offense to any appropriate civil authority and/or law enforcement agency.

4101.6.3. Any teacher, administrator, or authorized service personnel has the authority to search a student's person, locker, possessions (purse, bag, wallet, etc.) and/or vehicle or bicycle on school property or at a school function so long as the administrator has reasonable suspicion for believing that the student is violating a school policy or state or federal law.

4101.6.4. Any student committing an offense or violation is responsible for any and all damages and personal injuries, and the parents or legal guardians of the student are responsible for damages to the extent provided by law.

4101.6.5. When a student faces multiple charges, each charge constitutes a separate offense. Any suspension of a student for more than ten (10) consecutive days requires a formal hearing before the board of education.

4101.6.6. The Harrison County Board of Education possesses the right to control and manage the school for all school activities. The teacher and administrator shall stand in the place of the parent or guardian in exercising authority over the student and the school. The Harrison County Board of Education has control of all students from the time they leave home and reach the school until they have returned home except that, where students ride school buses, the bus driver shall exercise control over the students in the same manner as the teacher or

administrator. Teacher is defined to include principals, aides, student teachers, and other school employees assigned responsibilities for supervising instructional programs or other board approved activities.

#### **4101.7. Level I Violations.**

4101.7.1. Definition: Minor, frequent, continued or aggravated instances of misconduct that disrupt or could disrupt the orderly conduct of the educational process.

4101.7.2. Anti-Social Conduct. A student will not orally, in writing, electronically, or with photographs or drawings, use profanity, make insulting comments or obscene gestures in general or directed toward another student.

4101.7.3. Cafeteria/Lunchroom Misconduct. A student will not misbehave in the cafeteria. Inappropriate behavior includes, but is not limited to, throwing food, stepping or stomping on food, failure to clean up personal trash, etc.

4101.7.4. Cheating/Academic Misconduct. A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. The response to violations under this section may include academic sanctions in addition to other discipline. This includes lying or cheating on tests or assignments or falsifying passes or excuses.

4101.7.5. Disorderly Conduct. A student will not harass another student or other person or misbehave in a manner that causes disruption or obstruction to the education process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another person, constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.

4101.7.6. Failure to Complete Assignments. Nondefiant failure by a student to complete assignments or follow directions.

4101.7.7. Failure to Display Good Sportsmanship. A student will not violate the principles of good sportsmanship as outlined by the WVSSAC.

4101.7.8. Improper Parking. A student will not engage in improper parking of a motor vehicle on school property.

4101.7.9. Inappropriate Displays of Affection. Students will not engage in inappropriate displays of affection, such as kissing or embraces of an intimate nature.

4101.7.10. Inappropriate Dress and Grooming. A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health,

safety or welfare of others while at school or participating in county curricular and/or extra-curricular activities. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process. This shall include but not be limited to any clothing that is reasonably considered disruptive or inappropriate by the school principal. No clothing shall be allowed that exposes any undergarments or the mid part of the body, no short shorts, no tank tops, spaghetti straps or halters (unless worn over a t-shirt). No hats or sunglasses will be permitted to be worn in classes or inside during the school day. No clothing or tattoos depicting violence, blood, knives, guns, or skulls will be permitted. No see-through mesh or fishnet clothing. No clothing that has holes or cutout places in it shall be allowed. No clothing or tattoos that evidence gang membership or that contain depictions of or references to, or is suggestive of sex, alcohol, drugs, tobacco, obscenities, or profane language. No articles such as chains or spiked jewelry that could be used as weapons shall be allowed. No baggy clothing that is considered to be a safety hazard shall be allowed.

4101.7.11. Leaving School Without Permission. A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from the principal, assistant principal or designee.

4101.7.12. Possession of Inappropriate Personal Property. A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning. This includes, but is not limited to matches, lighters, student bags, backpacks, book bags. All bags must be made of a material that allows a clear view (examples, clear vinyl, see-through mesh). This does not include a student wallet or purse. All student bags, backpacks, book bags, and bags used for physical education must be placed in the student's locker when school begins and kept there until school ends. Bags for physical education may be carried to and from PE class only. All electronic devices, including but not limited to cell phones, electronic games, TV's radios, walkmans, CD players, portable DVD players, MP3 players and pagers are not permitted to be utilized or visible during the regular school day. No student cell phones or other portable telecommunication devices shall be utilized or visible in school during school hours. Harrison County Schools shall not be responsible for lost, damaged or stolen cell phones or other electronic devices.

4101.7.13. Tardiness. A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.

4101.7.14. Technology Abuse. A student will not violate the terms of West Virginia Board of Education Policy 2460, W.Va. §126CSR41, Safety and Acceptable Use of the Internet by Students and Educators or of the Harrison County Computer Usage Policy.

4101.7.15. Throwing Objects. A student will not throw or drop snowballs or any other objects that may threaten the safety of others.

4101.7.16. Trespassing. A student will not enter upon the premises of the county school system property, other than to the location to which the student is assigned, without authorization from proper school authorities. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.

4101.7.17. Truancy. In accordance with West Virginia §126CSR81, West Virginia Board of Education Policy 4110, Attendance, a student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or by the parent/guardian.

#### **4101.8. Level I Procedures**

4101.8.1. Following any action that may be a violation of this section, the appropriate staff member shall intervene with an immediate referral to the school administration for disciplinary action. A teacher or bus operator may exclude a student from class or from the bus for violation of this level, provided proper procedures are followed. Further prevention measures may include a conference with a counselor. A parent conference may be held at any time, especially if misconduct becomes repeated.

4101.8.2. Level I Disciplinary Options. Violation of any Level I offense may result in any of the following responses from the school administration:

- Administrator and/or teacher/parent/guardian conference.
- Administrator or teacher-student conference or reprimand.
- Assign mentor.
- At-risk referral to social service agency.
- Behavior contracts.
- Change in student's class schedule.
- Class meetings.
- Confiscation of inappropriate item.
- Conflict mediation.
- Daily/weekly progress reports.
- Denial of participation in school-wide activities.
- Detention (before or after school or at lunchtime).
- Immediate exclusion by teacher of one school class period.
- In school suspension.
- Law enforcement notification.
- Out of school suspension of up to three (3) days.
- Peer mediation.
- Referral to S.A.T., counselor, or other outside social agency.

- Referral to tobacco cessation program.
- Restitution/restoration.
- Reteach session/activity/assignment.
- School service assignment.
- Social skills group and/or special counseling.
- Withdrawal of privileges.

#### **4101.9. Level II Violations .**

4101.9.1. Definition: Misconduct that involves the violation of the personal or property rights of others or other conduct deemed inappropriate.

4101.9.2. Offenses: Level II offenses shall include but not be limited to any continuation of Level I misconduct or any of the following:

4101.9.3. Bullying/Harassment/Intimidation. A student will not bully/intimidate/harass another student. According to W.Va. Code §18-2C-2, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat that: (a) a reasonable person under the circumstances should know will have the effect of: (1) harming a student; (2) damaging a student's property; (3) placing a student in reasonable fear of harm to his or her person; or (4) placing a student in reasonable fear of damage to his or her property; or (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

4101.9.4. Defacing School Property. A student will not participate in the defacing of school property, buses or private property going to or from school or student's property. Examples: writing in school textbooks or library books, writing on desks or walls.

4101.9.5. Destruction of School Property. A student will not willfully cause damage to, property of the school or employees of the school, student teachers, or others. Examples of damage to school property include, but are not limited to, carving on desks, painting walls, lockers or other surfaces, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.

4101.9.6. Failure to Serve Assigned Detention. A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.

4101.9.7. False Identification. A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property including school meals.

4101.9.8. Forgery. A student will not sign the name of another person for the purpose of defrauding school personnel or the Board of Education.

4101.9.9. Fraud. A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.

4101.9.10. Gambling. A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.

4101.9.11. Gang Activity. A student will not, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's education mission. Gang activity includes:

4101.9.11.1. 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.

4101.9.11.2. Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang.

4101.9.11.3. Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.

4101.9.11.4. Recruiting student(s) for gangs.

4101.9.12. Insubordination/Unruly Conduct. A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class- or school- related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute examples of insubordination/unruly conduct.

4101.9.13. Loitering. A student will not remain or linger on school property without a legitimate purpose and/or proper authority.

4101.9.14. Laser Pointer. A student will not possess or use a laser pointer while on school property or during any school event.

4101.9.15. Physical Altercation. Regardless of the reason, fighting between students will not be tolerated. Assault/Battery upon another student will not be tolerated and will carry the same or more severe disciplinary options as fighting.

4101.9.16. Possession of Drug Paraphernalia. A student will not have in his possession drug paraphernalia or school property, school bus, or at any school-sponsored activity.

4101.9.17. Publications. A student will not possess publications that could substantially disrupt or interfere with school procedures.

4101.9.18. Setting Off or Tampering with Fire Alarms. A student will not tamper or set off a fire alarm when no emergency exists.

4101.9.19. Theft or Possession of Stolen Property. A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession property valued less than \$100.00 which does not belong to the student.

4101.9.20. Tobacco. In accordance with West Virginia Board of Education Policy 2422.5A, W.Va. §126CSR66, Tobacco-Free Schools, and Harrison County's Tobacco Policy, a student will not smoke, use tobacco, or possess any substance containing tobacco in any building/area under the control of the Harrison County school system, including all activities or events sponsored by the county school district.

#### **4101.10. School Responses to Level II Violations.**

4101.10.1. Level II Procedures. The administrator shall investigate the charged misconduct and confer with staff, as deemed appropriate. The administrator shall meet with the student and with the parents, when deemed appropriate. Use of informal due process procedures and restitution of all damages caused is required.

4101.10.2. Level II Disciplinary Options. The school administration may utilize any Level I discipline option in response to any Level II offense. Additionally, the school administration may utilize any of the following options:

4101.10.2.1. Alternative program.

4101.10.2.2. Special work assignments.

4101.10.2.3. Suspension, in-school/out-of-school (1-10 days).

4101.10.2.4. Use of a laser pointer in the middle or high school will require an automatic 3 day out-of-school suspension for the first offense and a 10-day out of school suspension for repeated offenses.

4101.10.2.5. Fighting in middle or high school shall require, as a minimum:

- 4101.10.2.5.1. First offense—5 days out-of-school suspension.
- 4101.10.2.5.2. Second offense—10 days out-of-school suspension.
- 4101.10.2.5.3. Third offense—referral to the Superintendent for possible referral to the Board for expulsion.

4101.10.2.6. W.V.S.S.A.C. offense: Rules of the W.V.S.S.A.C. will apply during any W.V.S.S.A.C. sanctioned activity as an additional punishment to the provisions of the section.

4101.10.2.7. Fighting in the elementary schools shall be handled by the principal according to the disciplinary options of Level II. Full suspension (5 to 10 days) (elementary may be in-school or out-of-school for fighting).

#### **4101.11. Level III Violations.**

4101.11.1. Definition: Misconduct and/or violations that may involve criminal acts or are so serious that they present a direct threat to the welfare of others.

4101.11.2. Continuation of Level I or Level II misconduct.

4101.11.3. Violation of law

4101.11.4. Alcohol. A student will not possess, or be under the influence of alcohol on school property or at any school sponsored or school connected event or activity. Alcohol as used herein shall mean any alcoholic beverage as defined by the laws of the State of West Virginia, including but not limited to liquor, wine, or beer or beverages of reduced alcohol content but which have characteristics similar to liquor, wine, or beer. For the purposes of this paragraph, being under the influence of alcohol shall include having the odor of alcohol on the breath or the person. Any additional violation of this section shall be considered a Level IV violation.

4101.11.5. Disobeying a Teacher in a Willful Manner (obstinate intentional). A student will not disobey a teacher intentionally or in an obstinate manner.

4101.11.6. Hazing. A student will not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities.

4101.11.7. Improper or Negligent Operation of a Motor Vehicle. A student will not intentionally or recklessly operate a motor vehicle on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health, or welfare of others.

4101.11.8. Misuse of Prescription Drugs. A student will not possess or use prescription drugs unless accompanied by a physician's directive and an Administration of Medication form filed in the school office.

4101.11.9. Possession of a knife. A student will not possess a knife with a blade less than 3 ½ inches.

4101.11.10. Profane Language. A student will not use profane language directed at a school employee, a student teacher, or a visitor. Using profane language may include, but is not limited to, verbally, in writing, electronically, with photographs or drawings, or insulting, obscene gestures.

4101.11.11. Theft. A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession, property valued at between \$100 and \$999.99.

4101.11.12. Threat of Injury or Injury. A student will not threaten to injure a school employee, a student teacher or a visitor. This includes assault on a school employee defined in WV Code 61-2-15(a). Threat of injury includes, but is not limited to, verbally, in writing, electronically, with photographs or drawings, or with gestures.

4101.11.13. Violation of School Rules or Policies. A student will not habitually violate school rules or policies.

4101.11.14. Any misconduct that is detrimental to the Harrison County Schools and which could present a direct threat of serious harm to any other individual.

#### **4101.12. School Responses to Level III Procedures**

4101.12.1. Level III Procedures. The administrator shall investigate the charged misconduct and confer with staff, as deemed appropriate. The administrator shall meet with the student and with the parents, when deemed appropriate. Use of informal due process procedures and restitution of all damages caused is required.

4101.12.2. Pursuant to statutes, courts can order adults convicted of certain crimes to pay restitution to the victim(s) in an amount equal to the economic harm suffered. This includes all direct, incidental, and consequential pecuniary harm suffered by the victim(s), which includes lost wages and overhead cost for the amount of time a business (school facility) is forced to shut down. Reimbursement of all expenses incurred

while responding to these actions can also be ordered. If a juvenile commits an act which would be a crime if committed by an adult, he or she may be judged to be a juvenile delinquent and become subject to the jurisdiction of the court until he or she reaches twenty-one years of age.

4101.12.3. Level III Disciplinary Options. All Level III offenses require an automatic ten (10) day suspension from school and possible referral to state agencies, such as the WV Department of Health and Human Resources, civil authorities, and/or law enforcement. The principal may refer student to the Superintendent for possible recommendation to the Board of Education for expulsion.

### **4101.13. Level IV Violations**

4101.13.1. Definition: Any offense pertaining to or in any way involved with the sale, distribution, use, possession, or under the influence of drugs, or inhalants. Drugs as used herein shall mean any substance, which requires a prescription to obtain, or any substance as defined by the law of the State of West Virginia as a controlled substance.

4101.13.2. Battery on a School Employee. A student will not commit battery by unlawfully attempting to commit a violent injury to the person of a school employee as outlined in W.Va. Code §61-2-15(a). A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in W.Va. Code §61-2-15(b).

4101.13.3. Felony. A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in W.Va. Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (W.Va. Code §61-3-1), assault and battery (W.Va. Code §61-2-9), bomb threat (W.Va. Code §61-6-17), sexual assault (W.Va. Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (W.Va. Code §61-6-24), burglary (W.Va. Code §61-3-11), robbery (W.Va. Code §61-2-12), and grand larceny (theft of property with a value at or exceeding \$1,000) (W.Va. Code §61-3-13).

4101.13.4. Possession, Sale or Distribution of a Controlled Substance. According to W.Va. Code §18A-5-1a(b) (ii), a student will not possess, sell, distribute, or be under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §60A-1-101, et seq., on the premises of an educational facility or at a school-sponsored function or on a school bus. Possession with intent to distribute can be inferred based upon the quantity of the controlled substance in the student's possession.

4101.13.5. Possession, Sale, or Distribution of Medication. A student shall not possess any prescription medication not prescribed by a physician for the student in possession of the medication. A student will not sell or distribute a prescription or non-prescription

drug (controlled or not controlled) on the premises of an educational facility, at a school-sponsored function, or on a school bus.

4101.13.6. Alcohol. A student will not sell or distribute alcohol on the premises of an educational facility, at a school-sponsored function, or on a school bus.

4101.13.7. Possession of a Firearm or Deadly Weapon. According to W.Va. Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in W.Va. Code §61-7-2, on any school bus as defined in W.Va. Code §17A-1-1, or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in W.Va. Code §61-7-11a.

4101.13.7.1. As defined in W.Va. 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, razor blades, box cutters, blackjack, gravity knife, knife, switchblade knife, nunchuks, metallic or false knuckles, firearms including pistol, revolver, BB or pellet guns. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another. A pocket knife with a blade of three and one-half inches or less shall not be included in the definition of knife as defined in WV Code §61-7-2 unless such knife is knowingly used or intended to be used to produce serious bodily injury or death. This also includes any item of like character to a weapon (look-alike, a facsimile) which may or may not be concealed, any item that will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any weapon described above, any firearm muffler or firearm silencer, any explosive, incendiary, or poison gas including but not limited to a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device, any weapon which will, or may be readily converted to expel a projectile by the action of an explosive or other propellant, and has any barrel with a bore of more than one-half inch in diameter, any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled, mace, pepper spray or other similar items, firecrackers or other similar devices.

#### **4101.14. School Responses to Level IV Procedures**

4101.14.1. Level IV Procedures. The administrator shall make an immediate referral to civil authorities and/or law enforcement. When any student is to be interviewed in connection with an investigation pursuant to a Level IV violation, a reasonable effort shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview, provided that such notification does not compromise overall school/student safety. W.Va. Code §18A-5-1 and §18A-5-1a require mandatory suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly weapon as defined in W.Va. Code §61.7.11(9), assault of a school employee, or the sale or distribution of alcohol, controlled substance(s) or prescription drugs. Procedures that must be followed when dealing with an expulsion are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

4101.14.2. Level IV Disciplinary Procedures.

4101.14.2.1 All Level IV offenses shall require an automatic ten (10) day out-of-school suspension from school.

4101.14.2.2. When a violation of Level IV of this policy has been committed, the principal shall forward the details and results of his investigation, and a recommendation for disciplinary action to the superintendent and, if the superintendent concurs with a recommendation for possible expulsion, the student shall be referred to the Board of Education for this action.

4101.14.2.3. As a condition of re-enrollment and in addition to other penalties imposed, the student shall serve a period of one- year probation and shall agree to submit to random, unannounced testing for drugs and/or alcohol. These tests shall be billed to the parent or guardian. A positive test for drugs or alcohol or any violation of Harrison County Board of Education Discipline Policy, Level II, Level III, or Level IV, during the period of probation shall constitute a separate Level IV offense.

4101.14.2.4. When the Harrison County Board of Education expels a student, they may attempt to establish the student as a "dangerous student" as defined in W.Va. Code §18A-5-1a, at a hearing to determine the expulsion of the student. In a notice to the parent/guardian, the county board shall state clearly whether the board will attempt to establish the student as a "dangerous student" and will include any evidence to support its claim in this notice of the hearing date and time.

4101.14.2.4.1. W.Va. Code §18A-5-1a defines a "dangerous student" as a student who is substantially likely to cause serious bodily injury to himself, herself or another individual within that student's educational environment, which may include any alternative education environment as West Virginia Board of Education Policy 2418, W.Va. §126CSR20 (Alternative Education Programs for Disruptive Students), as evidenced

by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense.

4101.14.2.4.2. If the Harrison County Board of Education expels a student, and finds that the student is a dangerous student, they may refuse to provide alternative education pursuant to the conditions outlined in W.Va. Code §18A-5-1a but must re-evaluate this decision at least every three months.

4101.14.2.4.3. With regard to students with disabilities, nothing in this policy may be construed to be in conflict with the federal provisions of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 (Public Law 105-17) or with W.Va. §126CSR16, West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students.

#### **4101.15. Guidelines for Suspension and Expulsion.**

4101.15.1. Suspension is considered a temporary solution to a violation of the Student Code of Conduct until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days. A student is entitled to an informal hearing when faced with a suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why s/he should not be suspended. However, a student whose conduct is detrimental to the progress and general conduct of the school may be suspended immediately and a hearing held as soon as practical after the suspension. A student may not participate in any school-sponsored activities or be permitted on school grounds during the period of suspension without permission of school officials. Other procedures the school must follow when dealing with suspensions are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

4101.15.2. A suspension of more than ten (ten) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with suspensions of more than ten (10) days are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

4101.15.3. Superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

4101.15.3.1. W.Va. Code §18A-5-1 and §18A-5-1a require mandatory suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

4101.15.3.2. According to W.Va. Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who: is guilty of disorderly conduct; interferes with an orderly education process; threatens, abuses, intimidates or attempts to intimidate a school employee or student; willfully disobeys a school employee, or uses profane or abusive language toward a school employee. Once a student is excluded from the classroom or bus, the student must be referred to the appropriate administrator who will take disciplinary action, notify the parent/guardian in writing of the disciplinary action taken, and provide a copy to the teacher or bus driver before the student is readmitted to class or to the bus.

#### **4101.16. Complaint Procedures.**

4101.16.1. All violations of the Student Code of Conduct observed by school employees or by students must be reported to the principal or their designee for appropriate action to be taken as specified in this policy. Employee failure to report a violation is addressed in West Virginia Board of Education Policy 5310, W.Va. Code §126CSR142 (Performance Evaluation of School Personnel).

4101.16.2. Any person who believes he or she has been the victim of a Student Code of Conduct violation or any staff member with knowledge or reasonable belief of a Student Code of Conduct violation shall report the alleged act(s) immediately to the building principal or their designee, who shall become the designated investigator. The report can be made orally or may be submitted on a form available to all students and staff through the counselor's office. Nothing in this policy shall prevent any person from also reporting violations directly to the county superintendent, as appropriate, a law enforcement agency, or to the West Virginia Human Rights Commission.

4101.16.3. All designated investigators shall be given training by Harrison County Schools on a bi-annual basis regarding proper investigative and reporting procedures.

4101.16.4. Employee failure to report a violation is addressed in WV Code §126CSR142, West Virginia Board of Education Policy 5310, Performance of School Personnel.

#### **4101.17. Investigation Procedures.**

4101.17.1. The principal shall, upon receipt of a report or complaint, immediately undertake or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system, in accordance with this policy and the procedures developed pursuant to §126-99-9, above.

4101.17.2. 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 giving rise to 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 in connection with an investigation pursuant to a Level IV violation, a reasonable effort shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Level II and Level III and discretionary at Level I.

4101.17.3. The principal shall immediately take such reasonable steps as necessary to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.

4101.17.4. The principal shall determine whether the alleged conduct constitutes a violation of this policy or W.Va. Code §18A-5-1a.

4101.17.5. In determining the appropriate response and/or punishment for a Level I, II, or III violation, the principal, superintendent or local board of education will 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. When a county board of education expels a student for twelve months for a Level IV violation, the county superintendent under WV Code §18A-5-1a still has the power to reduce the student's punishment, if the superintendent finds it disproportionate to the student's actions. However, the superintendent must make a public record of this decision, and provide the reason for the reduction, as set forth in the statute.

4101.17.6. The investigation will be completed as soon as practicable but no later than ten (10) school days (days school is in session) following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period. The investigator shall make a written 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.

Harrison County procedures for the recording and filing of these reports at the local level are as follows:

4101.17.7. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

4101.17.8. Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint 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 of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

#### **4101.18. County Board of Education Action and Reporting.**

4101.18.1. Upon receipt of a report substantiated by staff observation or by the investigation, the principal, superintendent or local board of education will take appropriate action against those found to have violated §126-99-6 pursuant to W.Va. Code §18A-1-1 and §18A-5-1a.

4101.18.2. 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 county's plan developed pursuant to §126-99-5, above.

4101.18.3. The principal, superintendent or designee shall promptly enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of the Student Code of Conduct.

#### **4101.19. Reprisal.**

4101.19.1. The county board of education will take appropriate action against any student who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Disciplinary action against any student, administrator or other school personnel who falsely reports violations of this policy may include, but is not limited to, a verbal or written reprimand or a suspension from school or assigned duties.

#### **4101.20. Right to Alternative Complaint Procedures.**

4101.19.1. 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.

#### **4101.21. Dissemination of Policy and Training.**

4101.21.1. This policy or a summary will be conspicuously posted throughout each Harrison County school and facility in areas accessible to students and staff members such as the counselor's office, teacher's lounge, bulletin boards in central hallways, teacher classrooms, and other commons areas.

4101.21.2. This policy will appear in the Harrison County Schools Policy and Administrative Regulations Guide, published annually. A copy will be distributed to all students and staff members during the first week of school by the principal and teachers.

4101.21.3. For individuals enrolled in a Harrison County middle or high schools, the student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the policy and consequences associated with violations. This will be accomplished at the beginning of each school year or at the time of individual registration. Each student and parent will be required to return the signed Student Code of Conduct Contract that will be given to them with the Harrison County Schools Policy and Administrative Regulations Guide. These will be kept in the office for that current school year.

4101.21.4. Harrison County Schools shall provide training for staff members during the first staff meeting of a new school year. Staff members will be instructed in the use of the policy as well as the importance of promoting the goals of this policy. Staff members will conduct student training on the policy through Character Education and Responsible Students Programs. Harrison County Schools shall review this policy bi-annually.

4101.21.5. Individual schools will be responsible for implementing an education program for each grade level to insure understanding of the policy including the policy's goals and expectations as well as the sanctions for violations of the policy. These plans will be filed with the County Board of Education for approval. The teacher, counselor, or administrator will provide orientation on the Student Code of Conduct to the class, group, or student body within the first (5) days of school. This will be followed by periodic reviews during sessions designated by the administration throughout the year.

#### **4101.22. Identification of and Classification as a Persistently Dangerous School**

4101.22.1. Harrison County Schools will use the criteria set forth below to

determine whether a school will be classified as a Persistently Dangerous School. Beginning with the 2003-04 school year, data indicating the number of substantiated violations at each school as set forth below will be collected using WVEIS.

4101.22.2. A Harrison County public school will be classified as a Persistently Dangerous School on or before July 1, beginning in 2003, and in each subsequent year, if the school has, for two consecutive years, substantiated violations of the following offenses that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment:

4101.22.2.1 Battery on a school employee [WV Code 61.2.15 (b)]

4101.22.2.2. Commission of an act or conduct that would constitute a felony under the laws of the state.

4101.22.2.3. Possession of a firearm or deadly weapon as defined in WV Code 61-7-2 on any school bus as defined in WV Code 17A-1-1, or in any public or private primary or secondary education building, structure, facility, or grounds thereof, or at any school-sponsored function as defined in WV Code 61-7-11a.

4101.22.2.4. Sale of 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.

4101.22.3. Beginning with the 2003-2004 school year, Harrison County Schools will provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in the previous section of this policy that exceed three percent (3%) of the total number of students enrolled in the school, based on the school's second month enrollment.

4101.22.4. Beginning with the 2003-04 school year, a student attending a Persistently Dangerous School, as defined by the state, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, shall be allowed to attend an alternative safe public school within the Harrison County School System.

4101.22.5. Beginning with the 2003-04 school year, the West Virginia Department of Education will provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in section 4101.20 of this policy that exceed three and seventy-five one hundredths percent (3.75%) of the total number of students enrolled in the school, based on the school's second month enrollment.

4101.22.6. Beginning with the 2003-04 school year, if Harrison County has one

or more schools identified as persistently dangerous, the county shall, in a timely manner, notify parents of each student attending the school that the state has identified the school as persistently dangerous: offer students the opportunity to transfer to a safe public school within the county and, for those students who accept the offer, complete the transfer.

4101.22.7. If Harrison County has one or more schools identified as persistently dangerous, the county will develop a corrective action plan, submit it to the West Virginia Department of Education, and implement that plan in a timely manner.

**4101.23. Prevention and Intervention Training.**

4101.23.1. Harrison County shall provide training, technical assistance in research-based, effective models for violence prevention education (including the prevention of bullying, harassment, and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer mediation, responsible students program, and character education. Training, technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop interventions to assure school success for these students.

Approved by the Harrison County Board of Education

Approved by the Harrison County Board of Education

Effective Date: May 20, 2003

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