

<p><b>PRESTON COUNTY BOARD OF EDUCATION</b>  <b>FILE: 11 - STUDENTS</b>  <b>File: 11-13 Student Code of Conduct</b></p>	<p><b>Last Reviewed: 8-9-10</b>  <b>Next Review: 7-1-12</b></p>
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It is the policy of Preston County Schools to maintain a safe, orderly and stimulating learning environment that is free from harassment, bullying, disruption, disrespect, intolerance and all other forms of student misconduct. Preston County Schools insists upon the highest standards of student conduct in order to foster an atmosphere that is conducive to the educational process and to maintain the personal and social development of every student. Out of respect for all students, teaches, administrators and other community members, each student will be subject to this Code of Conduct in its entirety and shall be disciplined according to it in order to deter student misconduct, reduce the social harm caused by it and maximize positive student growth.  
(SBP 4373)

**R 11-13-1 Expectations of Students Enrolled in Preston County Schools**

All students enrolled in Preston County Schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning as well as the personal and social development of all students. Specifically, it is expected that:

- ❖ Students will help create an atmosphere free from bullying, intimidation and harassment.
- ❖ Students will demonstrate honesty and trustworthiness;
- ❖ Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others;
- ❖ Students will demonstrate responsibility, use self-control and be self-disciplined;
- ❖ Students will demonstrate fairness, play by the rules, and will not take advantage of others;
- ❖ Students will demonstrate compassion and caring; and
- ❖ Students will demonstrate good citizenship by obeying laws and rules of our state and nation as well as the rules of the school, respecting authorities charged with the enforcement of laws and school rules, and by cooperating with and assisting others in the school community in order to foster an environment of mutual concern.

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**R 11-13-2 Awareness Program**

Student Code of Conduct Awareness Programs shall be developed for all students, staff and other members of the school community. All building principals shall ensure that all students and staff participate in such an awareness program.

**Awareness Programs for Students**

All building principals shall ensure that all students in Preston County Schools, within the first five weeks of the first semester of each school year, participate in a Student Code of Conduct Awareness Program, which

shall consist of age-appropriate classroom lessons designed to educate students about the requirements of the Student Code of Conduct. It shall be the responsibility of each building principal to supervise the development and implementation of such an awareness program in her/his building. This awareness program, at a minimum, shall raise awareness of:

- ❖ The different types of Student Code of Conduct violations;
- ❖ How different types of Student Code of Conduct violations are manifested;
- ❖ The potentially devastating emotional and educational consequences of Student Code of Conduct violations; and
- ❖ The potential legal consequences of Student Code of Conduct violations.

### **Awareness Programs for Staff Members**

All building principals shall ensure that all staff members of Preston County Schools participate in a Student Code of Conduct Awareness Program. This awareness program for staff shall be developed and implemented by each building principal. This awareness program, at a minimum, shall:

- ❖ Meet all of the requirements outlined in the Student Awareness Program above.
- ❖ Raise awareness and emphasize the importance of all provisions within the Student Code of Conduct that require notice to the parents of a student who has violated or is suspected of violating the Student Code of Conduct as a result of the filing of a complaint form.

### **Awareness Program for Citizens of Preston County**

The Office of the County Superintendent of Schools shall, upon request and within a reasonable time, provide one copy of this Student Code of Conduct Policy to any citizen of Preston County who makes such a request.

### **Multicultural Education Programs**

For the purpose of fostering an atmosphere of understanding and acceptance of all individuals, all building principals shall ensure that all staff and students of Preston County Schools participate in a multicultural education program. It shall be the responsibility of each building principal to supervise the development and implementation of such a multicultural education program in her/his building. This multicultural education program, at a minimum, shall:

- ❖ Stress the need for tolerance of and respect for persons of all cultural, racial and/or ethnic backgrounds; and
- ❖ Inform students of the importance and strengths drawn from the diversity of our community, particularly the advantages gained from being exposed to the differing viewpoints and perspectives of persons whose cultural, racial and/or ethnic backgrounds differ from their own.

### **Posting of Student Code of Conduct Policy**

This Student Code of Conduct Policy or a summary of it shall be conspicuously posted throughout each of Preston County School's facilities in areas accessible to students and school employees. These areas shall include, but are not limited to, each classroom, library and administrative office.

### **Student Handbook**

This Student Code of Conduct Policy or a summary of it shall appear in the student handbook and if no handbook is available, a copy of this policy will be distributed to all students, the parents of students, and all school employees through hand delivery or mail delivery.

### **Student/Parent Contracts**

When a student enters middle/junior high/high school for the first time, the student and his/her parent or guardian will be requested to carefully read, sign and return a contract in which the student(s) and his/her/their parent(s):

- ❖ Agree to abide by the terms of this Student Code of Conduct Policy; and
- ❖ State unequivocally that they are aware of the consequences of a student's violation of the provisions of this Student Code of Conduct Policy.
- ❖ Records will be maintained in a separate marked file in each individual school.

### **Bi-annual Review**

The Preston County Board of Education shall review this Student Code of Conduct Policy at least bi-annually for compliance with state and federal law and West Virginia Board of Education Policy.

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### **R 11-13-3 Definitions**

- ❖ **Appropriate school personnel.** The term appropriate school personnel means those school employees who have been designated by the building principal or superintendent of schools to deal with the issue(s) or information relevant to the provisions of this Student Code of Conduct in which this term is used.
- ❖ **Complaint receipt officer.** The term complaint receipt officer means a school teacher or school administrator who is designated by his/her building principal to receive completed complaint forms. See West Virginia State Board of Education Policy 4373, section
- ❖ **Confidential.** The term confidential means that the information in question will not be disclosed intentionally by school employees except as permitted by the county board of education student records policy.
- ❖ **Notice, notified and reasonable effort to notify or contact.** In any and all cases where notice or a reasonable effort to notify or contact is required by this policy, any of the following methods of notice shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact the student and his/her parent(s) or guardian(s) :
  - Any legible writing which is given to a student by school personnel with oral and/or written instructions to deliver said writing to the students parent(s) or guardian(s) shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact the student, and his/her parent(s) or guardian(s) regardless of whether such notice ever actually reaches or is read by said students parent(s) or guardian(s),

- A phone call placed to the students parent(s) or guardian(s) at his/her home or place of business shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact a students parent(s) or guardian(s) if:
  - such parent(s) or guardian(s) is/are actually reached by such a phone call; or
  - a message is left with the individual answering the phone; or
  - a message is left on a telephone answering machine or service
- Other methods of notice or contact which are reasonable under the circumstances shall satisfy the requirement of notice and be deemed a reasonable effort to notify or contact the student, and his/her parent(s) or guardian(s).
- ❖ **School.** School may refer to the physical structures, real estate, and other property owned by the county school system in which students attend class. School may also refer to the administration or county school board or other school board personnel who are empowered to make decisions in regard to student discipline.
- ❖ **School community.** The school community means all students, teachers, administrators, other school staff, school volunteers, and the citizens of the municipal or county entity in which the school is located who are involved with school activities.
- ❖ **Staff and/or staff member(s) and/or school staff and/or school employee(s) and/or school personnel.** The terms staff, staff member(s), school staff, school employee(s), and school personnel all refer to any person employed by Preston County Schools regardless of their connection, or lack thereof, to the instruction of students.
- ❖ **Person.** The term Person has its plain and ordinary meaning when used in this Student Code of Conduct.

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#### **R 11-13-4 Application of the Student Code of Conduct**

The regulations/rules set forth here in the Student Code of Conduct apply to all students attending public school in Preston 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 a county board of education, Regional Education Service Agency or State Department of Education, or in another facility being used by any of those agencies. This code of conduct shall also apply to all conduct that has the effect of substantially interfering with educational activities, regardless of where or when such conduct occurs. Misconduct, including battery, directed against school personnel shall be considered within the scope of the Student Code of Conduct, regardless of where or when such conduct occurs.

#### **Penalties for failure to comply with the requirements of the Student Code of Conduct**

Students who do not conform their behavior to the requirements of this Student Code of Conduct will be subject to the Levels of Response to Violations as outlined below. Students who do not behave in a manner that promotes a nurturing, orderly, and safe environment conducive to learning and the personal-social development of all students should fully expect that their failure to behave in such a manner will result in a violation of the Student Code of Conduct and will subject them to the responses outlined below.

## **Students with Exceptionalities**

Nothing in this Student Code of Conduct should be interpreted in any manner which would be inconsistent with the requirements of Federal and State laws and any policies of the West Virginia Board of Education that grant certain rights to students with exceptionalities.

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### **R 11-13-5      Violations of the Student Code of Conduct**

Violations of the Student Code of Conduct are divided into four levels, each describing various forms of unacceptable student behavior. School responses to violations of the Student Code of Conduct are divided into four corresponding levels.

In determining the appropriate response and/or punishment for a Level I, II, or III violation, the principal, superintendent or local board of education should 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 of the facts and surrounding circumstances.

#### **Level I Violations:**

- ❖ **Anti-Social Conduct:** A student will not orally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward another student that causes embarrassment, discomfort, or a reluctance to participate in school activities.
- ❖ **Cheating/Academic Misconduct:** A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. The response to violations under this section may include academic sanctions in addition to other discipline.
- ❖ **Disorderly Conduct:** A student will not harass another student or other person or misbehave in a manner that causes disruption or obstruction to the education process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another person, constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption or otherwise has to address the disruption during class time regardless of whether instruction is occurring and regardless of whether the disrupting student is a student in he/her classroom at the time of the disruption.
- ❖ **Improper Operation of a Motor Vehicle:** A student will not engage in improper parking or fail to use any vehicle driven by the student on school property in a safe and courteous manner.
- ❖ **Inappropriate Displays of Affection:** Students will not engage in inappropriate displays of affection, such as kissing or embraces of an intimate nature.

- ❖ **Inappropriate Dress and Grooming:** A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes any drug, alcohol or tobacco-related product that is prohibited in school buildings, on school grounds, in school-leased or owned vehicles, and at all school-affiliated functions.
- ❖ **Leaving School Without Permission:** A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.
- ❖ **Possession of Inappropriate Personal Property:** A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.
- ❖ **Tardiness:** A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.
- ❖ **Technology Abuse:** A student will not violate the terms of SBP 2460, W.Va. (Safety and Acceptable Use of the Internet by Students and Educators). This policy may be found at <http://wvde.state.wv.us/>
- ❖ **Tobacco:** In accordance with West Virginia Board of Education SBP 2422.5, (Substance Abuse and Tobacco Control) a student will not smoke, use tobacco, or possess any substance containing tobacco in any building/area or vehicle under the control of a county school system, including all activities or events sponsored by the county school district. This policy may be found at <http://wvde.state.wv.us/>
- ❖ **Trespassing:** A student will not enter upon the premises of the county school system property, other than to the location to which the student is assigned, without authorization from proper school authorities. If removed, suspended, or expelled from school, a student will not return to the school premises without permission of the proper school authorities.
- ❖ **Truancy:** In accordance with West Virginia Board of Education Policy 4110 (Attendance Policy) 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.
- ❖ **Improper/Unauthorized Use or Possession of Prescription or Non-Prescription Medication.** A student will not use or possess prescription or non-prescription medications at school or at school-sponsored activities in any manner inconsistent with the county board of education's prescription medication policy

### **School Responses to Level I Violations:**

The School may respond to any Level I violation with any one, or a combination of the following actions, but is in no way limited in its response to these actions:

- ❖ **An Administrator/Student Conference** - Possible Reprimand. The student will meet with the appropriate administrator in order to discuss the student's violation. This conference may result in a written reprimand of the student. The form and content of said reprimand are to be determined by each individual administrator but must at least include: 1) the name and grade level of the student; 2) a description of the student's violation; 3) a brief summary of the conference held and any resulting agreements about the student's future behavior, or other outcomes; 4) a copy of any

- written complaint regarding this violation from which any confidential or otherwise private information shall be redacted; 5) a copy of any report regarding this violation which is maintained in the principals office pursuant to 6, below.
- ❖ **An administrator and teacher/parent or guardian conference.** The parent(s) or guardian(s) of the student will be asked to attend a meeting with the appropriate administrator and/or teacher or other school staff member in order to discuss the student's violation. The results of this conference shall be reduced to a simple writing, the form and content of which are to be determined by each individual administrator but must at least include: 1) the name and grade level of the student whose parent(s) or guardian(s) was asked to attend the meeting; 2) the name of the parent(s) or guardian(s) who actually attended the meeting; 3) a description of the students violation; 4) a brief summary of the conference held and any resulting agreements about the students future behavior, or other outcomes; 5) a copy of any written complaint regarding this violation from which any confidential or otherwise private information shall be redacted; 6) a copy of any report regarding this violation which is maintained in the principals office pursuant to 6, below.
  - ❖ **Referral to and conference with support staff or agencies.** School administrators may refer a student to any support staff or agencies deemed qualified by said administrators to assist a student in addressing and correcting his/her misbehavior. School administrators may also require a student to meet with such staff or agencies in order that such staff or agencies may assist a student in addressing and correcting his/her misbehavior, subject to the approval of the students parent(s) or guardian(s). School administrators will notify the parent(s) or guardian(s) of a student by any reasonable means under the circumstances when such a referral is made and such a meeting is scheduled.
  - ❖ **Referral to a tobacco cessation program.** School administrators shall refer a student who has violated the schools tobacco policy to a tobacco cessation program which has been approved by the County Board of Education.
  - ❖ **Daily/weekly progress reports.** School administrators may require that a students teachers, coaches, and other school personnel who have regular contact with a student to complete daily or weekly progress reports regarding the students behavior and/or academic progress. A student will be informed that such reports are to be made prior to the start of the period in which such reports are to be made. Copies of such daily/weekly reports shall be made available to the student and his/her parent(s) or guardian(s) within a reasonable time under the circumstances upon request. The form and content of these progress reports may vary as needed, but must at least include: 1) the name and grade level of the student; 2) the subject matter of the course in which the students academic and/or behavioral progress is being monitored; 3) a general description of the trend of a students academic progress during the monitoring period; 4) a general description of the behavior that is to be modified, and the type of behavior that is expected of the student; and 5) a description of the progress that the student is making toward achieving the desired behavioral outcomes.
  - ❖ **Behavioral contracts.** School administrators may ask a student to review, sign and abide by a behavioral contract that will detail the type of behavior expected of the student and that may include some or all of the following: 1) an agreement to refrain from specific types of behavior; 2) an agreement to make restitution for damage done; or 3) an agreement to apologize for the students behavior to a particular individual or group of individuals. A student's failure to agree to sign and abide by a behavioral contract will result in the schools selection of another response to the student's behavior.

- ❖ **Change in the student's class schedule.** School administrators may elect to change a student's class schedule in response to a Level I, or higher, violation. Notice of the decision to change a student's schedule will be given to both the student and his/her parent(s) or guardian(s) within a reasonable time under the circumstances after this decision has been made. A decision to change a student's schedule will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **School service assignment.** School administrators may elect to assign a student a school service assignment in response to a Level I, or higher, violation. Such assignments shall be designed to assist the student in correcting his/her misbehavior while also benefiting the school community.
- ❖ **Confiscation of inappropriate item(s).** School administrators may confiscate from a student any item which the administrator, in his/her judgment, deems inappropriate for a student to have on school grounds or at any school-sponsored function. School administrators are empowered to search for and seize any such inappropriate items to the full extent permitted by the Fourth Amendment of the United States Constitution as that amendment has been applied to students in schools by the United States Supreme Court. *See generally, New Jersey v. T. L. O.*, 469 U.S. 325 (1985) (describing the tailored Fourth Amendment rights of students while at school).
- ❖ **Restitution/restoration.** School administrators may require a student to make restitution to individuals or entities, including the county school district, for the student's action(s) which resulted in damage to or destruction of property. Failure to comply with any reasonable order to make restitution may result in a finding that the student has acted in an insubordinate/unruly manner, constituting a Level II violation and warranting a Level II response by the school.
- ❖ **Before and/or after-school detention.** School administrators and teachers may require a student to serve detention in a place and time to be determined by the school. A student may be required to serve detention before or after school.
- ❖ **Denial of participation in class and/or school activities.** School administrators and teachers may deny a student the opportunity to participate in class and/or school activities. A student and his/her parent(s) or guardian(s) shall be notified of the decision to deny the student the opportunity to participate in class and/or school activities within a reasonable time under the circumstances after the decision has been made. A decision to deny a student the opportunity to participate in class and/or school activities will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **Immediate exclusion of student by teacher from one class period of the school day.** Teachers and administrators may summarily exclude a student from one class period of the school day. A decision to exclude a student for one class period may be made in immediate response to a student's Level I, or higher, violation. No notice beyond that given to the student at the time he/she is excluded from class need be given.
- ❖ **Weekend detention.** Teachers may recommend and school administrators may require that a student be assigned a weekend detention. A student assigned weekend detention shall serve his/her weekend detention at a time and place determined by the school. Teacher recommendation is not required in order for a school administrator to assign weekend detention to a student. A student and his/her parent(s) or guardian(s) shall be notified of the decision to assign weekend detention to the student within a reasonable time under the circumstances after the decision has been made. A decision to assign a student weekend detention will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.

- ❖ **In-school suspension.** Teachers may recommend and school administrators may require that a student be assigned in-school suspension. A student assigned in-school suspension shall report to school at the regular required time and spend part of, or all of, his/her school day in a place determined by the school. Students may be required to gather assignments from their classroom teachers prior to serving an in-school suspension and/or additional assignments may be given to students upon reporting for in-school suspension. Teacher recommendation is not required in order for a school administrator to assign in-school suspension to a student. A student and his/her parent(s) or guardian(s) shall be notified of the decision to assign in-school suspension to the student within a reasonable time under the circumstances after the decision has been made. A decision to assign a student in-school suspension will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **Out-of-school suspension for up to three (3) days.** School administrators are empowered to deny a student access to school grounds and/or school-sponsored activities for a period of up to three days. A student and his/her parent(s) or guardian(s) shall be notified of the decision to deny the student access to school grounds and/or school-sponsored activities for a period of up to three days within a reasonable time under the circumstances after the decision has been made. A decision to deny a student access to school grounds and/or school-sponsored activities for a period of up to three days will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.
- ❖ **Law enforcement notification.** School administrators may notify appropriate law enforcement agencies of a student's violation(s) of the Student Code of Conduct where such notification is deemed by school administrators to be reasonable under the circumstances and where school administrators reasonably believe said violation(s) of the Student Code of Conduct to be a violation(s) of state and/or federal law.
- ❖ **Counseling/peer mediation/anger management/violence provision.** Where appropriate, feasible, and subject to program availability, school administrators may request that a student participate in: 1) counseling sessions with the school psychologist or other qualified counselor; 2) a peer mediation program; 3) a conflict resolution program; 4) an anger management program; 5) a violence prevention program; or 6) other programs or services which may appropriately address the students needs as evidenced by the students particular violation of the Student Code of Conduct.

#### **School Responses to Repeated Level I Violations:**

The School may respond to a student's second or other subsequent violation of the same Level I violation within the same school year as either a Level I violation or a Level II violation. This policy affects only second and other subsequent violations of the same Level I violation in the same school year.

- ❖ **Illustration:** If a student were disciplined for engaging in Cheating/Academic Misconduct in October, and then that same student were to engage in Cheating/Academic Misconduct a second time within the same school year, this student's recidivism may be met with a school response to a Level I violation or a Level II violation at the option of the school. If this same student were to engage in a different Level I violation after having been disciplined for Cheating/Academic Misconduct, for example, Improper Operation of a Motor Vehicle on School Property, then this subsequent Level I violation would be treated as a Level I violation.

## Level II Violations:

Students will not engage in any of the following forms of unacceptable behavior:

- ❖ **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.
- ❖ **Failure to Serve Assigned Detention.** A student will not fail to serve an assigned detention of which students and/or parents/guardians have been notified.
- ❖ **False Identification.** A student will not use another person's identification or give a false identification to any school official with intent to deceive school personnel or to falsely obtain money, property or anything of value.
- ❖ **Forgery.** A student will not sign the name of another person for the purpose of defrauding school personnel or the county board of education.
- ❖ **Fraud.** A student will not deceive another or cause another to be deceived by false or misleading information in order to obtain anything of value.
- ❖ **Gambling.** A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.
- ❖ **Gang Activity.** A student will not by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school districts educational mission. Gang activity includes:
  - Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang;
  - Using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of a gang or otherwise symbolizes support of a gang;
  - Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs; or
  - Recruiting student(s) for gangs.
- ❖ **Insubordination/Unruly Conduct.** A student will not ignore or refuse to comply with directions or instructions given by school personnel. Refusing to open a book, write an assignment, work with another student, work in a group, take a test or do any other class-related or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.

- ❖ **Loitering.** A student will not remain or linger on school property without a legitimate purpose and/or proper authority.
- ❖ **Theft or Possession of Stolen Property.** A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession property valued at less than \$100.00 which does not belong to the student.
- ❖ **Disrupting the Education Process.** A student will not act in any manner that disrupts the educational process.
  - A student will be deemed to have disrupted the educational process whenever: 1) any of the basic processes of education (such as classroom work, instruction or evaluation, or orderly movement/travel from class to class or activity to activity or transition to or from school) are disrupted by the student; and 2) a reasonable person could have anticipated that the actions taken by the student would have disrupted one or more of these basic processes of education.
- ❖ **Possession of a nondeadly knife/implement:** A student will not possess a nondeadly knife including but not limited to pocket knives with a blade of three and one-half inches or less in length, a hunting or fishing carried for hunting or fishing, sports or other recreational uses or a knife designed for use as a tool or household implement. However these implements will be considered deadly weapons if they are knowingly used or intended to be used to produce serious bodily injury or death.

#### **School Responses to Level II Violations:**

The School may respond to any Level II violation with any one, or a combination of the following actions, but is in no way limited in its response to these actions:

- ❖ Any Level I response.
- ❖ Out-of-school suspension for up to ten (10) days. School administrators are empowered to deny a student access to school grounds and/or school-sponsored activities for a period of up to ten days. A student and his/her parent(s) or guardian(s) shall be notified of the decision to deny the student access to school grounds and/or school-sponsored activities for a period of up to ten days within a reasonable time under the circumstances after the decision has been made. A decision to deny a student access to school grounds and/or school-sponsored activities for a period of up to ten days will not be rescinded because reasonable efforts to notify the student and his/her parent(s) or guardian(s) have failed.

#### **School Responses to Repeated Level II Violations:**

The School may respond to a student's second or other subsequent violation of the same Level II violation within the same school year as either a Level II violation or a Level III violation. This policy affects only second and other subsequent violations of the *same* Level II violation within the same school year.

- ❖ **Illustration:** If a student were disciplined for engaging in Failure to Serve Assigned Detention in October, and then that same student were to engage in Failure to Serve Assigned Detention a second time within the same school year, this student's recidivism may be met with a school response to a Level II violation or a Level III violation at the option of the school. If this same student were to engage in a different Level II violation, Gambling, for example, after having been disciplined for Failure to Serve Assigned Detention, then this subsequent Level II violation would be addressed with a school response to a Level II violation.

### **Level III Violations:**

Violations in the Level III category are consistent with those addressed in W. Va. Code 18A-5-1a (b) and (c) and shall be reported immediately to the principal of the school in which the student is enrolled. The principal will address the violation by following the procedures outlined in W. Va. Code 18A-51a, subsections (b) through (h). Students will not engage in any of the following forms of unacceptable behavior.

- ❖ **Alcohol Possession/Distribution/Use.** A student will not possess, use, distribute or be under the influence of alcohol in an educational facility, on school grounds, a school bus or other school vehicle, or at any school-sponsored function.
- ❖ **Defacing School Property.** A student will not willfully cause defacement of, or damage to, any property of the county school system 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 examples of acts of defacement. Other examples of damage to school property include, but are not limited to, damaging and or ruining bulletin boards, intentionally clogging or otherwise damaging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.
- ❖ **Disobeying a Teacher in a Willful Manner.** A student will not willfully disobey a teacher.
  - Acts of willful disobedience by students include, but are not limited to:
    - student action of any manner or kind which a teacher has previously asked a student to refrain from doing; and
    - intentionally refusing to comply with the direct instructions of a teacher.
- ❖ **Profane Language.** A student will not use profane language directed at a school employee or a student. Using profane language may include, but is not limited to, verbally, in writing, electronically, or with photographs or drawings or other media, directing profanity or insulting, obscene gestures toward any school employee or student.
- ❖ **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.
- ❖ **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: a) recklessly or intentionally endangers the mental or physical health or safety of another person or persons; or b) causes another person or persons to destroy, damage, 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 organization or activity (whether curricular, co-curricular, or extra-curricular) affiliated with any public school.
- ❖ **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 or others.

- ❖ **Habitual Violation of School Rules or Policies.** A student will not habitually, as defined in subsection (a) below, violate school rules or policies.
  - Habitual violation means either of the following: i) violating the same written school rule or policy more than three (3) times within any nine-week (9) period, such period commencing with the first violation of that written school rule or policy; or ii) violating any combination of any written school rules or policies more than five (5) times within any nine-week (9) period, such period commencing with the first violation of any written school rule or policy.
- ❖ **Retaliation/Reprisal.** A student will not retaliate against any person who reports alleged violations of the Student Code of Conduct, or against 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.
- ❖ **Filing of a False Complaint.** A student will not report a violation of the Student Code of Conduct when the student knows that such a report is false, misleading, or is otherwise not based in fact. Nor will a student claim that a teacher, coach, administrator, or other staff member committed any improper, inappropriate, or illegal act when the student knows that such a report is false, misleading, or is otherwise not based in fact.
  - If, after an investigation it is determined that a complaint filed by a student, which alleges that another student violated the Student Code of Conduct, was not based on the complaining student's sincere and reasonable belief that an actual violation of the Student Code of Conduct occurred, that student will be subject to a School Response to a Level III Violation.
  - If, after an investigation it is determined that a complaint filed by a student, which alleges that a teacher, coach, administrator or other staff member committed any improper, inappropriate, or illegal act, was not based on the complaining student's sincere and reasonable belief that the teacher, coach, administrator or other staff member actually committed such an improper, inappropriate, or illegal act, that student will be subject to a School Response to a Level III Violation.
  - Safe Harbor. Notwithstanding the provisions of this section, a student will not face a School Response for reporting what he or she sincerely and reasonably believed to be an actual violation of the Student Code of Conduct, or an improper, inappropriate or illegal act committed by a teacher, coach, administrator, or other staff member, even if it is ultimately determined that no violation of the Student Code of Conduct or an improper, inappropriate, or illegal act occurred. The determination as to a student's sincere and reasonable belief in this regard shall be made by the school principal or another administrator who has been designated by the Superintendent or the Board of Education to make this determination in a given case.
- ❖ **Physical Altercation.** A student will not participate in a physical altercation with another person while under the authority of school personnel.
- ❖ **Injury or Threat of Injury.** A student will not threaten to injure, or in any manner injure, another student, a teacher, administrator or other school personnel. Assault on a school employee defined in W. Va. Code 61-2-15(a) is a violation of this provision.

### **School Responses to Level III Violations:**

The School may respond to any Level III violation with any one, or a combination of the following actions, but is in no way limited in its response to these actions:

- ❖ Any Level I or Level II response
- ❖ A principal may suspend a student from school, or transportation to or from the school on any school bus or other school-owned vehicle, if the student, in the determination of the principal after an informal hearing pursuant to W. Va. Code 18A-5-1(d), has committed any of the Level III violations.
- ❖ If a student has been suspended pursuant to W. Va. Code 18A-5-1a (b) or (c), the principal may request that the superintendent recommend to the county board that the student be expelled following the provisions in subsections (b) through (l) of W. Va. Code 18A-5-1a.
- ❖ Agency notification, such as DHHR or appropriate law enforcement agency.

### **Level IV Violations:**

Violations in the Level IV category are consistent with those addressed in W. Va. Code 18A-5-1a(a) and (b). Level IV violations in this policy are aligned with definitions in W. Va. Code 61-6-17, 61-6-24, and 18A-5-1, and in the Gun Free Schools Act of 1994, Public Law 103-382, and require that the principal of the school in which the student is enrolled shall address the violation following the procedures outlined in W. Va. Code 18A-5-1a(a) and (b). Students will not engage in any of the following forms of unacceptable behavior:

- ❖ **Battery on a School Employee.** A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in W. Va. Code 61-2-15(b).
- ❖ **Felony.** A student will not commit an act or engage in conduct that would constitute a felony under the laws of the State of West Virginia if committed by an adult as outlined in W. Va. Code 18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (W. Va. Code 61-3-1), malicious wounding and unlawful wounding (*See* W. Va. Code 61-2-9), bomb threat (W. Va. Code 61-6-17), sexual assault (W. Va. Code 61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (W. Va. Code 61-6-24), burglary (W. Va. Code 61-3-11), robbery (W. Va. Code 61-2-12), and grand larceny (W. Va. Code 61-3-13).
- ❖ **Possession or Use of a Controlled Substance.** According to W. Va. Code 18A-5-1a(b)(ii), a student will not possess, 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 of a Firearm or other 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(d), 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.

- 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, blackjacks, gravity knives, knives, switchblades knives, nunchaku, metallic or false knuckles, pistols, or revolvers. 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 W.V. Code 61-7-2 unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- ❖ **Sale or Delivery of a Prescription or Over-the-Counter Drug.** A student will not sell or deliver any drug, including a prescription drug or over-the-counter drug, on the premises of an educational facility, at a school sponsored function or on a school bus or other vehicle used for a school-sponsored event.

As defined in W. Va. Code 60A-1-101(l), a drug means:

- substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any one of them;
  - substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;
  - substances (other than food) intended to affect the structure or any function of the body of man or animals; and
  - substances intended for use as a component of any article specified in clause (1), (2), or (3) above. It does not include devices or their components, parts, or accessories.
- ❖ **Sale of a Narcotic Drug.** According to W. Va. Code 18A-5-1a, a student will not sell a narcotic drug on the premises of an educational facility, at a school-sponsored function or on a school bus or other vehicle used for a school-sponsored event.

As defined in W. Va. Code 60A-1-101(p), a narcotic drug means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) of this subdivision, but not including the isoquinoline alkaloids of opium.
- Opium poppy and poppy straw.
- Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

### **School Responses to Level IV Violations:**

W. Va. Code 18A-5-1a that require the mandatory suspension of the student by the principal from school, or from transportation to or from the school on any school bus or other vehicle used for a school-sponsored event, after an informal hearing pursuant to subsection (d) of W. Va. Code 18A-5-1a.

- ❖ Pursuant to W. Va. Code 18A-5-1 a(b), a principal shall suspend a student for committing an act or engaging in conduct that would constitute felony under the laws of this state if committed by an adult; or 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 W. Va. Code 60A-1-101 et seq. The principal shall request that the superintendent recommend to the county board that the student be expelled.
- ❖ A principal shall suspend a student for battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug pursuant to W. Va. Code 18A-5-1a. The principal shall, within twenty-four (24) hours, request that the county superintendent recommend to the county board that the student be expelled.
- ❖ Upon such request of the superintendent by a principal, the county superintendent shall recommend to the county board that the student be expelled.
- ❖ Upon such recommendation to the county board by the superintendent, the county board shall conduct a hearing in accordance with W. Va. Code 18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the county board finds that the student did commit battery on a school employee, possessed a firearm or deadly weapon, or sold a narcotic drug pursuant to W. Va. Code 18A-5-1a, the county board shall expel the student for a period of not less than twelve (12) consecutive months, provided that a county superintendent may lessen the mandatory period of expulsion if the circumstances of the students case demonstrably warrant such a reduction following the guidelines provided in W. Va. Code 18A-5-1a (i).
- ❖ If the county board of education finds that the student committing an act or engaging in conduct that would constitute felony under the laws of this state if committed by an adult; or 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 W. Va. Code 60A-1-101, et seq., the student may be expelled pursuant to W. Va. Code 18A-5-1a for a period not to exceed one school year.
- ❖ A county board of education that expels a student, may attempt to establish the student as a dangerous student as defined in W. Va. Code 18A-1-1(j), 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.
- ❖ W. Va. Code 18A-1-1(j) defines a dangerous student as a student who is substantially likely to cause serious bodily injury to himself, herself, or another individual within that students educational environment, which may include any alternative education environment. See W. Va. 126 C.S.R. 20, West Virginia Board of Education Policy 2418, Alternative Education Programs for Disruptive Students, as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense.

- ❖ A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education pursuant to the conditions outlined in W. Va. Code 18A-5-1a but must re-evaluate this decision at least every three months.
- ❖ 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. 126 C.S.R. 16, West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students.

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### **R 11-13-6 Complaint Procedures**

All students and school employees who observe violations of the Student Code of Conduct must report these observations to appropriate school personnel. All students and school employees who have knowledge of violations of the Student Code of Conduct, regardless of whether they have observed these violations, must report this knowledge to appropriate school personnel.

Principals in each building shall designate one or more school employees to serve as Complaint Receipt Officers, and these school employees will be charged with the duty to receive and act upon complaints of violations of the Student Code of Conduct. All reports of violations must ultimately be directed to the Complaint Receipt Officer, regardless of which school employee originally received information about the alleged violation and/or the complaint form.

- ❖ **Student's duty to report.** Students who sincerely and reasonably believe that they have been the victims of, have observed, or otherwise have knowledge of a violation of the Student Code of Conduct, must inform a teacher, coach, administrator, or other school staff of this information. These students may also report such violations, where appropriate, directly to the Superintendent or the West Virginia Human Rights Commission or to a law enforcement agency.
- ❖ **Complaints reported to school employees, duty to report.** All school employees who receive information from a student that indicates that a violation of the Student Code of Conduct has occurred will present the student with a Complaint Form and assist the student in completing the form, if necessary. The school employee shall deliver the completed Complaint Form to the building principal or his or her designated Complaint Receipt Officer. If a student prefers to give an oral report only and chooses not to fill out a written Complaint Form, the teacher will direct the student to contact the building principal and/or his or her designated Complaint Receipt Officer, and the teacher will also report the student's oral report to the building principal and/or his or her designee in accordance with West Virginia State Board Policy 4373, section 9.3 and its corresponding policy within this county. The school employee will take whatever steps are necessary to assure the privacy of the student. The school employee should deliver completed complaint forms and/or report any oral reports to the building principal, or his/her designated Complaint Receipt Officer in whose school building the student complainant attends, regardless of whether the alleged violator of the Student Code of Conduct also attends classes in that same school building.

- All school employees who receive information from a student that indicates that a Level III or Level IV violation has occurred will, in addition to the steps outlined above, immediately report this information to the building principal in whose school building the alleged violator of the Student Code of Conduct attends classes, regardless of whether said school employee ordinarily works in that same school building and regardless of whether the student-complainant, if any, attends classes in that same school building

**Illustration:** If a middle-school teacher were informed by a middle-school student (complainant) that a high school student (alleged violator) had attempted to sell a controlled substance to the middle-school student, the middle-school teacher would be required to report this information to both the middle-school principal and the high school principal in order to comply with 4.2 and 4.2(a). This common sense approach is intended to protect the student at the middle-school from the serious and potentially life-threatening consequences of a Level IV violation, while also informing the alleged violator's building principal of this conduct that has obvious safety implications for the students in his or her building. Oftentimes though, the complainant and the alleged violator will attend classes in the same school building and it will only be necessary to report such Level III and IV violations to one building principal.

- Nothing in this sub-section shall be interpreted to prevent or forbid a school employee from informing a building principal of any information about a violation of the Student Code of Conduct, regardless of the level of the violation, when in that school employee's judgment making such a report to a building principal is in the best interest of school safety.
- ❖ **Complaints by school employees, duty to report.** All school employees who sincerely and reasonably believe that they have been the victim of, have observed, or otherwise have knowledge of a violation of the Student Code of Conduct must report this violation by filling out a Complaint Form and submitting the same to their building principal.
  - School employees who fail to report their observations or knowledge of a violation of the Student Code of Conduct may face adverse performance evaluations according to Preston County Schools Policy (Procedures for Investigating, Reporting, Responding, and Devising Consequences for a School Employees Failure to Respond Appropriately to Violations of the Student Code of Conduct), created pursuant to 126 C.S.R. 142-14.3.1(a)(Follows established school discipline procedures that include WV126 C.S.R. 99, West Virginia Board of Education Policy 4373 -Student Code of Conduct).
- ❖ **Complaints generally:** all complaints are to be sent to the building principals designated Complaint Receipt Officer or to the building principal. Subject to the other rules in this section regarding complaints, any and all complaints, whether in writing or not, which allege that a student has violated the Student Code of Conduct must be reported to the building principal, or his/her designated Complaint Receipt Officer, in whose building the student-complainant attends school, regardless of whether the alleged violator of the Student Code of Conduct also attends school in that same building.
  - Nothing in this section shall be interpreted to require the use of a Complaint Form prior to the initiation of an investigation pursuant to 5 below. All reports of violations of the Student Code of Conduct communicated to any school employee shall be handled by said school employee according to 4.2 above and the preceding paragraph.

- ❖ **Confidentiality.** The names of student-complainants and alleged violators of the Student Code of Conduct shall remain confidential except as permitted by the Mason County Schools Student Records Policy.
- ❖ **Right to alternative complaint procedures.** Nothing in this Student Code of Conduct is intended to 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.

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### **R 11-13-7 Investigation Procedures**

Upon the receipt of a completed complaint form or an oral report of a violation of the Student Code of Conduct, the building principal shall either conduct an investigation or appoint another school official to conduct an investigation of the matter alleged in the complaint form or oral report.

- ❖ **Minimum Requirements of an Investigation.** An investigation into an alleged violation of the Student Code of Conduct must at least consist of personal interviews with the complainant, the individual(s) against whom the complaint has been filed, and others, if any, 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.
- ❖ **Notice to parent(s) or guardian(s) of students who are to be interviewed.** 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(s) or guardian(s) and invite him/her/them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels II and III, and is discretionary at Level I.
- ❖ **Protection of persons involved in a specific complaint and investigation.** Each building principal shall take such reasonable steps as are necessary, to protect the complainant, students, teachers, administrators, and other school employees pending the completion of an investigation of an alleged violation of the Student Code of Conduct.  

The word protect, as it is used above, refers to the physical well-being of the individuals named.
- ❖ **Investigation period limited.** An investigation will be completed as soon as practicable but no later than ten school days following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period. 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 the Student Code of Conduct.
- ❖ **Reports to county superintendent.** The building principal shall forward copies of completed investigation forms and their attached written reports to the superintendent of schools for investigations of Level III and Level IV violations, whether or not the allegations that formed the basis of such investigation were substantiated. Other completed investigation forms may

be sent to the Superintendent at the discretion of the building principal or the Superintendent. The Superintendent may forward copies of completed investigation forms and their attached written reports to the Board of Education. See West Virginia State Board of Education Policy 4373, section 10.6 (final sentence).

- ❖ **Determination of Violation.** The building principal in whose building the alleged conduct occurred shall determine whether the alleged conduct constitutes a violation of this Student Code of Conduct policy or W. Va. Code 18A-5-1a.
- ❖ **The results 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.
- ❖ **Confidentiality.** 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 knowingly 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 under Mason County Schools Student Records Policy.
- ❖ **Use of proper forms.** All investigators shall make use of the Investigation Form provided by their building principal in order to ensure optimal compliance with county policy.

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#### **R 11-13-8 Board of Education Action and Reporting**

- ❖ Upon receipt of a report substantiated by staff observation or by the investigation process, the principal, Superintendent or local board of education will take appropriate action against those found to have violated 126 C.S.R. 99-6 pursuant to W. Va. Code 18A-1-1 and 18A-5-1a.
- ❖ Easing of tensions and promotion of respect and understanding. The principal or Superintendent shall initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding in accordance with the plan described in 1, above.
- ❖ The principal, Superintendent or designee shall immediately enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of the Student Code of Conduct.

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#### **R 11-13-9 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.

### **R 11-13-10 Violence Prevention and Intervention Training**

All building principals shall ensure that their schools are trained in research-based effective models for violence prevention in education (including the prevention of bullying, harassment and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer mediation, responsible student program, and character education. Training and 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 intervention to assure school success for these students.

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### **R 11-13-11 Identification of and Classification as a Persistently Dangerous School**

As required by H.R. 1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind), beginning with the 2002-2003 school year, and in each subsequent year, data indicating the number of substantiated violations at each school as set forth in the criteria listed below will be collected using the WVEIS in order to identify and classify a school as persistently dangerous.

A school will be classified as a Persistently Dangerous School on or before July 1 of the current year if it has, for two consecutive years, substantiated violations of the following offenses that exceed five percent of the total number of students enrolled in the school based upon the school's second month enrollment:

- ❖ Battery on a school employee [WVC §61-2-15(b)].
- ❖ Commission of an act or conduct that would constitute a felony under the laws of the state.
- ❖ Possession of a firearm or deadly weapon as defined in WVC §61-7-2 on any school bus as defined in WVC §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 WVC §61-7-11a.
- ❖ Sale of a narcotic drug as defined in WVC §60A-1-101 on the premises of an educational facility, at a school sponsored function or on a school bus.

The Preston County school systems will provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth above that exceed three percent of the total number of students enrolled in the school based upon the school's second month enrollment.

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 above that exceed three and seventy-five one hundredths percent of the total number of students enrolled in the school based upon the school's second month enrollment.

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 alternate safe public school within Preston County.

Should Preston County have one or more schools identified as persistently dangerous, the appropriate authorities shall, in a timely manner, notify parents of each student attending the school that the state has identified the school as persistently dangerous. The students shall be offered the opportunity to transfer to a safe public school within the county and complete the transfer for those students who accept the offer.

The appropriate authorities must also develop a corrective action plan, submit it the West Virginia Department of Education, and implement the plan in a timely manner.

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#### **R 11-13-12 Severability**

If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Preston County Schools do not discriminate on the basis of sex, race, color, religion, disability, and national origin in employment and in the administration of any of its educational programs and activities.

In addition to the Student Code of Conduct, students participating in activities must abide by the Code of Conduct for Athletes in Preston County Schools and sign a contract of participation.

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Adopted: December 8, 2003  
Amended/Revised: August 9, 2010