

Boone County Schools Manual for Expected Behavior in Safe and Supportive Schools

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BOONE COUNTY SCHOOLS MANUAL FOR EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS (4373)

Scope – In compliance with the requirements of WV Policy 4373, the following Boone County Schools Policy is designed to provide a safe and supportive educational environment; to develop a preventative approach to providing a positive school climate/culture that fosters learning and personal-social development; to create, encourage and maintain a safe, drug-free, and fear-free school environment across all educational settings. These regulations also set forth unacceptable behaviors that undermine a school’s efforts to create a positive school climate/culture.

Authority – WV Constitution, Article XII, § 2, WV Code §§16-9A-4, 16-9A-9, 18-2-5, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5A-2, 18-8-8, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, 61-7-11a, 20 U.S.C. §1400 et seq. and 20 U.S.C. § 6301 et seq.

Introduction

The Boone County Board of Education has the constitutional responsibility to provide for a thorough and efficient public education system. As the county’s public education leaders, we accept the responsibility and accountability for bringing about results. This is the promise we make to our students, parents and educators and the obligation we have to the taxpayers of Boone County. The vision of the West Virginia Board of Education is to provide an education that supports students to develop into healthy, responsible, and self-directed citizens who have the knowledge and Global21 skills to lead satisfying and productive lives. Within this vision is a goal for all students to develop the personal skills and dispositions of wellness, responsibility, self-direction, ethical character, cultural awareness and good citizenship in an environment that is caring and safe.

Boone County Schools shares in the belief that we must be purposeful in the way we structure our curriculum to teach the valued dispositions that we want students to develop and we must be mindful of the way we shape our environment to reinforce those behaviors. This Boone County Manual for Expected Behavior in Safe and Supportive Schools (hereinafter referred to as Policy 4373) provides the procedural guidance to assist schools in their efforts to create the climate/culture that supports development of the dispositions that are valued in our communities, state, nation and world.

Chapter 1: EXPECTED STUDENT DISPOSITIONS

Section 1. Rationale for Developing Expected Dispositions

Our nation's founders envisioned the American education system as an institutional structure that would prepare each generation to be active, principled citizens. This vision has placed a great responsibility on schools to sustain a democratic culture. To accomplish this charge, schools must deliberately focus on conveying democratic principles through the explicit curriculum and through the implicit learning that is affected by the manner in which all individuals within a school interact with one another.

Schools must consistently and persistently work to improve student knowledge, skills and dispositions that convey our nation's democratic principles. Dispositions are the values, commitments and ethics that influence one's behaviors toward others and affect learning, motivation and development. Dispositions are affected by beliefs and attitudes related to values such as caring, fairness, honesty, responsibility and social justice. Ideally, the teaching and learning of these valued dispositions should be the shared responsibility of every school employee, student, parent and community member and these stakeholders should be engaged in supporting the development of these dispositions.

Section 2. School and Community Social Skills Standards

Schools shall support and promote social and emotional learning in all settings. The social and emotional learning standards are not expected to be documented in individual teacher lesson plans but rather should serve as a framework for school-wide student behavior expectations as determined by each school faculty.

Social and emotional learning is the process through which individuals acquire the knowledge, attitudes and skills they need to recognize and manage their emotions, demonstrate caring and concern for others, establish positive relationships, make responsible decisions and handle challenging situations constructively.

Socially competent students are skilled in three core areas:

- **Standard 1: Self-awareness and Self-management** – students are able to recognize their emotions, describe their interests and values and accurately assess their strengths. They have a well-grounded sense of self-confidence and hope for the future. They are able to manage stress, control impulses and express their emotions appropriately in a wide range of situations. They can persevere in overcoming obstacles as well as set and monitor progress toward the achievement of personal and academic goals.
- **Standard 2: Social awareness and Interpersonal Skills** – students are able to take the perspective of and empathize with others and recognize and appreciate individual and group similarities and differences. They are able to seek out and appropriately use family, school and community resources in age-appropriate ways. They can establish and

maintain healthy and rewarding relationships based on cooperation. They resist inappropriate social pressure; constructively prevent, manage and resolve interpersonal conflict; and seek and provide help when needed.

- **Standard 3: Decision-making Skills and Responsible Behaviors** – students consider ethical standards, safety concerns, social norms, respect for others and the likely consequences of various courses of action when making decisions at school, at home and in the community. They apply these decision-making skills in academic and social situations and are motivated to contribute to the well-being of their schools and communities.

A variety of models may be used to provide instruction in and opportunities to practice, apply and be recognized for social and emotional learning skills. Competence in the use of these skills is promoted in the context of safe and supportive school, family and community learning environments in which students feel valued, respected, connected to and engaged in learning. Social and emotional learning is fundamental not only to social and emotional development but to health, ethical development, citizenship, motivation to achieve and academic achievement. Social and emotional learning is addressed through West Virginia Board of Education (WVBE) policies such as:

- 2315-Guidance and Counseling
- 21st Century Content Standards and Objectives for West Virginia Schools
 - 2520.4 - Social Studies
 - 2520.55 - Wellness PreK-4
 - 2520.5 - Health Education 5-12
 - 2520.6 - Physical Education 5-12
 - 2520.14 - Learning Skills and Technology Tools
 - 2520.15 - Early Learning Standards Framework: Content Standards and Learning Criteria for West Virginia Pre-Kindergarten (WV Pre-k)
 - 2520.19 - Advisor/Advisee 5-12

The West Virginia Department of Education (WVDE) provides a crosswalk of these existing standards to demonstrate the comprehensive correlation to the social and emotional learning standards.

Social and emotional learning will be addressed in Boone County Schools. The shaping of student behaviors is not confined to any one subject area or classroom; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in teaching and supporting social and emotional learning skills. In order to comprehensively address the learning standards, schools must analyze the various delivery methods and develop a systemic approach that assures sufficient opportunities to learn and practice the skills throughout the school and community environment.

In order to achieve social and emotional learning standards, schools should address student development holistically and relate it to real-world functioning. It is important to select culturally appropriate materials and examples that respect individual differences while at the same time acknowledging and celebrating the cultural diversity of students within the classroom, school, community, state, nation and world.

The following social and emotional learning standards, objectives and example behaviors shall be used as a guide and are defined as follows:

- **Individual behaviors** – are observable actions that students can demonstrate independently without interaction.
- **Initiative interaction** – are observable actions that require students to purposefully start social engagement.
- **Responsive interaction** – are observable actions that require students to engage in reaction to social encounters.
- **Work skills interactions** – are observable actions that require students to demonstrate social skills and dispositions that are expected in the workplace.

The standards and objectives progress through the grade levels in a spiraling nature. Once the objectives from one level are mastered, students are expected to maintain them at higher grade levels as they continually demonstrate that they have integrated the valued dispositions into their personal values and actions.

Standard 1: Self-awareness and Self-management

The self-awareness and self-management standard promotes the development of self-esteem and identification of emotions leading to student self-efficacy to express themselves in constructive ways. These skills enable students to control impulses, manage stress and motivate themselves to establish, monitor and achieve academic and personal goals.

Grades PK-1	Self-awareness and self-management
Objectives	Students will:
PK-1.1.01	Recognize and accurately label emotions and how they are linked to behavior.
PK-1.1.02	Demonstrate control of impulsive behavior.
PK-1.1.03	Identify likes and dislikes, needs and wants, strengths and challenges.
PK-1.1.04	Identify goals for academic success and classroom behavior.

Example Behaviors that Document Mastery of Self-awareness and Self-management

Individual Behavior: <ul style="list-style-type: none"> • Maintain focus during learning activities • Speak in a tone of voice appropriate for situation • Maintain correct posture • Enter class without disruption • Follow class routines • Follow school rules • Follow internet safety rules 	Initiative Interaction: <ul style="list-style-type: none"> • Ask the teacher for assistance or information • Express needs, wants and feelings appropriately • Speak confidently with eye contact 	Responsive Interaction: <ul style="list-style-type: none"> • Answer questions asked by the teacher with eye contact • Respond appropriately to re-direction • Help peers when asked • Follow verbal
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<ul style="list-style-type: none"> • Respect property of the school and others (including technology tools) 		directions
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Grades 2-4	Self-awareness and self-management
Objectives	Students will:
2-4.1.01	Describe a range of emotions and the situations that cause them.
2-4.1.02	Describe and demonstrate ways to express emotions in a socially acceptable manner.
2-4.1.03	Describe personal skills and interests that one wants to develop.
2-4.1.04	Describe the steps in setting and working toward goal achievement.
2-4.1.05	Describe and demonstrate ways that healthy habits contribute to goal achievement.

Example Behaviors that Document Mastery of Self-awareness and Self-management		
Individual Behavior:	Initiative Interaction:	Responsive Interaction:
<ul style="list-style-type: none"> • Complete work on time • Internalize class routines • Maintain good grooming • Maintain healthy habits • Avoid inappropriate physical contact • Express enthusiasm for school • Express confidence and positive self-esteem • Ignore distractions • Practice basic internet safety 	<ul style="list-style-type: none"> • Make relevant remarks during classroom discussion • Express emotions in non-violent ways • Choose activities that express one's interests and strengths • Ask peers for help • Make invitations 	<ul style="list-style-type: none"> • Listen when others speak • Participate in group activities • Help peers when asked • Accept ideas different from one's own • Interact appropriately with adults • Express sympathy • Follow verbal and written directions

Grades 5-8	Self-awareness and self-management
Objectives	Students will:
5-8.1.01	Analyze factors that create stress or motivate successful performance.
5-8.1.02	Apply strategies to manage stress and to motivate successful performance.
5-8.1.03	Analyze how personal qualities influence choices and successes.

5-8.1.04	Set a short-term goal and make a plan for achieving it.
5-8.1.05	Analyze why one achieved or did not achieve a goal.

Example Behaviors that Document Mastery of Self-awareness and Self-management		
<p>Individual Behavior:</p> <ul style="list-style-type: none"> • Participate politely in classroom discussions • Initiate positive habits that contribute to school readiness • Take responsibility for completing homework • Appropriately cope with stressful situations • Use technology when it is contextually appropriate without interruption or offense to others 	<p>Initiative Interaction:</p> <ul style="list-style-type: none"> • Initiate and maintain appropriate conversations • Politely excuse oneself from activities and conversations • Introduce oneself and make introductions • Start activity under one's own motivation 	<p>Responsive Interaction:</p> <ul style="list-style-type: none"> • Respond appropriately in various situations • Participate in group activities • Help peers when asked • Accept ideas different from one's own • Interact appropriately with adults • Express sympathy • Follow verbal and written directions

Grades 9-12	Self-awareness and self-management
Objectives	Students will:
9-12.1.01	Analyze how thoughts and emotions affect decision making and responsible behavior.
9-12.1.02	Evaluate how expressing one's emotions in different situations affect others.
9-12.1.03	Generate ways to develop more positive attitudes and evaluate how expressing positive attitudes influences others.
9-12.1.04	Set priorities and monitor progress for self improvement that builds on one's strengths.
9-12.1.05	Analyze how positive adult role models and support systems contribute to school and life success.
9-12.1.06	Evaluate how one's interests, roles and responsibilities contribute to school and life success.
9-12.1.07	Identify and make use of resources to overcome obstacles and achieve goals.
9-12.1.08	Set post-secondary goals with action steps, time frames and criteria for evaluating achievement.

Example Behaviors that Document Mastery of Self-awareness and Self-management			
Individual Behavior: <ul style="list-style-type: none"> • Use class time productively • Balance school and other activities to meet obligations • Develop academic and personal goals • Control emotions • Identify and manage resources • Practice and model internet etiquette 	Initiative Interaction: <ul style="list-style-type: none"> • Express feelings appropriately • Give compliments • Express dissatisfaction appropriately • Respect the space of others • Stand up for a friend • Initiate post-secondary planning • Utilize technology skills to advance attainment of personal and academic goals 	Responsive Interaction: <ul style="list-style-type: none"> • Recognize feelings of others and respond appropriately • Deal with disappointment in a manner that does no harm • Respond to complaints • Use constructive criticism to make improvements • Complete post-secondary applications 	Work Skills Interactions: <ul style="list-style-type: none"> • Maintain focus on work tasks • Ask for feedback and respond appropriately • Use negotiation skills • Interact appropriately with team members • Act as a responsible and respected representative of the school • Encourage positive habits in self and others

Standard 2: Social-awareness and Interpersonal Skills

Social-awareness involves recognition of the thoughts, feelings and perspectives of others, including those that are different from one’s own. Interpersonal skills involve cooperating, communicating respectfully and constructively resolving conflicts with others. Both are essential for building and maintaining positive relationships that are essential to success in school and life.

Grades PK-1	Social-awareness and Interpersonal Skills
Objectives	Students will:
PK-1.2.01	Recognize and accept individual differences in others.
PK-1.2.02	Recognize that others may experience situations differently from oneself.
PK-1.2.03	Use listening skills to identify the feelings and perspectives of others.
PK-1.2.04	Describe positive qualities in others.
PK-1.2.05	Identify ways to work and play well with others.
PK-1.2.06	Demonstrate appropriate social classroom behavior.
PK-1.2.07	Identify problems and conflicts commonly experienced by peers.
PK-1.2.08	Identify approaches to resolving conflicts constructively.

Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills		
<p>Individual Behavior:</p> <ul style="list-style-type: none"> • Speak in a tone of voice appropriate for the situation • Engage in age-appropriate transition activities • Demonstrate positive dispositions for interacting with peers and adults 	<p>Initiative Interaction:</p> <ul style="list-style-type: none"> • Greet peers positively • Ask other children to play • Take turns in games and activities • Borrow from peers • Compliment others • Appropriately garner attention 	<p>Responsive Interaction:</p> <ul style="list-style-type: none"> • Accept consequences for inappropriate behavior • Engage in turn-taking with peers • Smile when encountering acquaintances • Express empathy for others

Grades 2-4	Social-awareness and Interpersonal Skills
Objectives	Students will:
2-4.2.01	Identify verbal, physical and situational cues that indicate how others may feel and describe the expressed feelings and perspectives of others.
2-4.2.02	Identify differences among and contributions of various social and cultural groups.
2-4.2.03	Demonstrate how to work effectively with those who are different from oneself.
2-4.2.04	Describe approaches for making and keeping friends.
2-4.2.05	Analyze ways to work effectively in groups.
2-4.2.06	Describe causes and consequences of conflicts and apply constructive approaches to resolve conflicts.

Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills		
<p>Individual Behavior:</p> <ul style="list-style-type: none"> • Participate politely in classroom discussions • Express anger in non-aggressive ways • Respect private property • Refrain from cyber-bullying 	<p>Initiative Interaction:</p> <ul style="list-style-type: none"> • Make invitations • Engage in conversations • Treat others with respect and courtesy • Utilize digital etiquette in personal and academic networking • Apply verbal, written and electronic communication appropriately 	<p>Responsive Interaction:</p> <ul style="list-style-type: none"> • Listen when another child speaks • Participate in group activities • Help peers when asked • Respect ideas different from one's own • Interact appropriately with adults

Grades 5-8	Social-awareness and Interpersonal Skills
Objectives	Students will:
5-8.2.01	Predict others' feelings and perspectives in a variety of situations.
5-8.2.02	Analyze how one's behavior may affect others.
5-8.2.03	Explain how individual, social and cultural differences may increase vulnerability to bullying, identify ways to address it and analyze the effects of taking action to oppose bullying based on individual and group differences.
5-8.2.04	Analyze ways to establish positive relationships with others.
5-8.2.05	Demonstrate cooperation and teamwork to promote group effectiveness.
5-8.2.06	Evaluate strategies for preventing and resolving interpersonal problems.
5-8.2.07	Define unhealthy peer pressure and evaluate strategies for resisting it.

Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills

Individual Behavior:	Initiative Interaction:	Responsive Interaction:
<ul style="list-style-type: none"> • Participate appropriately in group activities in a variety of roles • Dress appropriately for a variety of situations • Exhibit sportsmanship and appropriate audience behavior • Refrain from spreading rumors 	<ul style="list-style-type: none"> • Engage in communications that balance speaking and listening • Utilize cooperation and negotiation in group work • Engage in polite conversation with others about individual, social and cultural differences • Give and ask for directions in public 	<ul style="list-style-type: none"> • Respond politely to school and public authorities • Resolve conflict peacefully • Express empathy • Deal with embarrassment in non-aggressive ways • Accept praise with humility • Make own responsible decisions in peer settings

Grades 9-12	Social-awareness and Interpersonal Skills
Objectives	Students will:
9-12.2.01	Analyze similarities and differences between one's own and others' perspectives and demonstrate how to express understanding of those who hold different opinions.
9-12.2.02	Use conversation skills to understand others' feelings and perspectives and demonstrate ways to express empathy for others.

9-12.2.03	Analyze the origins and negative effects of stereotyping and prejudice and evaluate strategies for opposing stereotyping and prejudice.
9-12.2.04	Demonstrate respect for individuals from different social and cultural groups.
9-12.2.05	Evaluate how advocacy for the rights of others contributes to the common good.
9-12.2.06	Evaluate the effects of requesting support from and providing support to others.
9-12.2.07	Evaluate the application of communication and social skills in daily interactions with peers, teachers and families.
9-12.2.08	Plan and participate in a group project and evaluate one's contribution in groups as both a member and leader.
9-12.2.09	Analyze the role of communication and negotiation skills in conflict resolution and evaluate the use of these skills to reach win-win solutions.
9-12.2.10	Apply conflict resolution skills within a group.

Example Behaviors that Document Mastery of Social-awareness and Interpersonal Skills

Individual Behavior with which students demonstrate the ability to:	Initiative Interaction with which students demonstrate the ability to:	Responsive Interaction with which students demonstrate the ability to:	Work Skills Interactions with which students demonstrate the ability to:
<ul style="list-style-type: none"> Refrain from inappropriate public displays of affection Respect cultural diversity 	<ul style="list-style-type: none"> Advocate for self and others Give affirmations to support others Express dissatisfaction in appropriate ways Exercise civic responsibility through participation in student government activities 	<ul style="list-style-type: none"> Address rumors appropriately Respond to peer pressure appropriately and use refusal skills when necessary De-escalate violent situations (physical and virtual) 	<ul style="list-style-type: none"> Utilize communication, negotiation and conflict resolution skills in the workplace Advocate for appropriate work conditions Utilize social skills to improve customer service

Standard 3: Decision-making Skills and Responsible Behaviors

Decision-making requires an ability to accurately assess a variety of situations, define and evaluate choices, anticipate consequences of each, generate alternative choices and select a responsible choice. Responsible behaviors are those that promote safety, avoid risk, deal honestly and fairly with others and contribute in a positive way to one's classroom, school, family and community.

Grades PK-1	Decision-making Skills and Responsible Behaviors
Objectives	Students will:
PK-1.3.01	Explain why acts that hurt others are wrong.
PK-1.3.02	Identify social norms and safety considerations that guide behavior.
PK-1.3.03	Identify a range of decisions that students make at school.
PK-1.3.04	Identify the positive and negative consequences that link to various decisions.
PK-1.3.05	Make positive choices when interacting with classmates.
PK-1.3.06	Identify and perform roles that contribute to one's classroom.

Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors

Individual Behavior:	Initiative Interaction:	Responsive Interaction:
<ul style="list-style-type: none"> • Maintain a work space appropriate to the classroom setting • Speak in a tone of voice appropriate for situation • Apply school rules (i.e. cafeteria, bus, restroom) • Walk in an orderly manner throughout the school building • Utilize good decision-making skills to maintain the safety of self and others 	<ul style="list-style-type: none"> • Tell the truth • Assume classroom leadership roles • Work collaboratively in structured and unstructured activities 	<ul style="list-style-type: none"> • Accept natural consequences for behavior • Use appropriate conflict resolution skills • Use refusal skills to resist peer pressure

Grades 2-4	Decision-making Skills and Responsible Behaviors
Objectives	Students will:
2-4.3.01	Demonstrate the ability to respect the rights of self and others.
2-4.3.02	Demonstrate knowledge of how social norms affect decision making and behavior.
2-4.3.03	Identify and apply the steps of systematic decision making.
2-4.3.04	Generate alternative solutions and evaluate their consequences for a range of academic and social situations.
2-4.3.05	Identify and perform roles that contribute to one's school and local community.

Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors

<p>Individual Behavior:</p> <ul style="list-style-type: none"> • Assist in development of classroom rules/norms • Make wise behavior choices • Identify digital resources that inform decision making 	<p>Initiative Interaction:</p> <ul style="list-style-type: none"> • Engage respectfully with persons of different individual, social and cultural norms • Evaluate behavior choices before taking action • Set personal and academic goals 	<p>Responsive Interaction:</p> <ul style="list-style-type: none"> • Accept responsibility for behaviors • Participate in school-wide and community service projects • Choose appropriate behavior when confronted with various options
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Grades 5-8 Decision-making Skills and Responsible Behaviors

Objectives	Students will:
5-8.3.01	Evaluate how honesty, respect, fairness and compassion enable one to take the needs of others into account when making decisions.
5-8.3.02	Analyze the reasons for school and societal rules.
5-8.3.03	Analyze how decision-making skills improve study habits and academic performance.
5-8.3.04	Evaluate strategies for resisting pressures to engage in unsafe or unethical activities.
5-8.3.05	Evaluate one’s participation in efforts to address identified needs in one’s school and local community.

Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors

<p>Individual Behavior:</p> <ul style="list-style-type: none"> • Make thoughtful decisions to balance academic and social success • Assume responsibility for personal and academic success • Seek resources as needed to support success • Refrain from gossiping and cyber-bullying 	<p>Initiative Interaction:</p> <ul style="list-style-type: none"> • Engage in positive peer groups and activities • Engage in student leadership • Analyze the accuracy of various digital information sources and networks • Employ digital security techniques to protect oneself and others 	<p>Responsive Interaction:</p> <ul style="list-style-type: none"> • Resist pressure to engage in inappropriate behavior • Consider the impact of various choices on one’s friends and family • Adjust inappropriate behaviors based on prior decision-making experience
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Grades 9-12		Decision-making Skills and Responsible Behaviors	
Objectives	Students will:		
9-12.3.01	Demonstrate personal responsibility in making ethical decisions.		
9-12.3.02	Apply ethical reasoning to evaluate societal practices.		
9-12.3.03	Evaluate how social norms and the expectations of authority influence one's personal decisions and actions and examine how the norms and expectations of different societies and cultures influence decisions and behaviors.		
9-12.3.04	Evaluate personal abilities to gather information, generate alternatives and anticipate the consequences of decisions.		
9-12.3.05	Evaluate how responsible decision-making affects interpersonal and group relationships and apply the skills to establish responsible social and work relationships.		
9-12.3.06	Analyze how present decision-making impacts post-secondary and career choices.		
9-12.3.07	Plan, implement and evaluate one's participation in activities and organizations that contribute to one's school and local community.		
9-12.3.08	Work cooperatively with others to plan, implement and evaluate a project that addresses identified needs in one's school and local community.		

Example Behaviors that Document Mastery of Decision-making Skills and Responsible Behaviors

Individual Behavior:	Initiative Interaction:	Responsive Interaction:	Work Skills Interactions:
<ul style="list-style-type: none"> • Make ethical decisions • Follow digital laws and rules • Establish goals for future success 	<ul style="list-style-type: none"> • Assess personal values and norms • Act as a responsible role model 	<ul style="list-style-type: none"> • Apply a decision-making process to academic and social issues • Choose appropriate options to negative peer pressure 	<ul style="list-style-type: none"> • Formulate a post-secondary plan • Provide leadership for a school/community service project • Use technology in an appropriate manner displaying digital citizenship

Chapter 2: STUDENT RIGHTS AND RESPONSIBILITIES

Rights and responsibilities go hand in hand. Students in Boone County have basic rights and responsibilities similar to those enjoyed by other citizens. These include the right to the equal protection of the laws and the right to the privileges and immunities of United States citizenship. Enjoyment of these rights is governed by due process of law.

School officials have control over student safety, welfare, and behavior from the time a student boards the school bus or arrives at school until the student returns home or to their designated bus stop. To meet this responsibility school officials have the right and responsibility to adopt rules and regulations for the purpose of maintaining order and discipline and creating a positive learning environment. It is a student's responsibility to follow school rules and regulations and to cooperate with school authorities who enforce these rules and regulations.

Section 1. The Right to a Thorough and Efficient Education

All students, regardless of race, religion, national origin, language, gender, disability, marital status, parenthood, or pregnancy have the right to an equal education opportunity. Students are required by law to attend school regularly until their seventeenth birthday; as long as they continue to be enrolled as a student after their seventeenth birthday; or until their graduation. A student who has not graduated may attend school until they are twenty-one.

Public schooling is tuition-free for all students. School systems, however, may charge tuition for summer school and before/after-school programs, if offered, provided that any student whose parents, in the judgment of the board, are unable to pay such tuition, may attend at a reduced charge or without charge except for post secondary, community education, or adult preparatory programs.

Whatever school supplies are deemed necessary to accomplish the goals of a school system and are an integral and fundamental part of elementary and secondary education must be provided free of charge to all students, such as textbooks, paper, writing implements and computers if their use is part of the curriculum. Students may be required to purchase their own equipment, such as instruments and costumes, for performance-based classes, such as band, orchestra, choir, dance and theatre. However, students shall not be denied participation in a class because their parents/guardians cannot afford to do so. Schools have contingency plans to accommodate students and families who do not have the financial means to make these purchases.

Section 2. Student Inquiry and Expression

Schools may not conduct, sponsor or endorse religious activities during school time. Individual students have the right to practice their own religion in a manner that does not interfere with the orderly conduct of classes and may form student groups with a religious focus that meet after

school. Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for participation in religious activities. An opportunity must be provided for students to make up any work missed; however, it is the student's responsibility to make up such work pursuant to the rules established by the school or county.

Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, provided the activities do not materially and substantially disrupt the work and discipline of the school or impinge upon the rights of other students. Schools may limit vulgar or offensive speech inconsistent with the school's responsibility for teaching students the boundaries of socially appropriate behavior. Students' off campus conduct that might reasonably be expected to cause disruption in the school may be prohibited or disciplined. This includes blogs and social media postings created for the purpose of inviting others to indulge in disruptive and hateful conduct towards a student or staff member.

Students have the right not to be compelled to participate in certain types of speech, such as reciting the Pledge of Allegiance. Students who choose not to participate in these ceremonies have the responsibility to respect the rights of those who do participate and must remain respectfully silent.

School sponsored student publications that are a part of the curriculum are subject to teacher editorial control, and therefore student speech may be regulated in a manner reasonably related to educational purposes.

Section 3. Non-curriculum Related Student Groups

When high schools allow one or more student groups whose purpose is not directly related to any class taught at the school to meet at the school, this is referred to as a limited open forum. If a school is a limited open forum for any purpose, the school must allow religious, political, and/or philosophical group meetings as long as the meetings are voluntary, monitored by the school, and do not interfere with the conduct of school activities.

Section 4. Extra-Curricular Activities

Students must meet all state and county attendance requirements and maintain a 2.0 grade point average in order to participate in non-academic extra-curricular activities (e.g. interscholastic athletics; student government; class officers in grades 6-12). Eligibility is determined for each semester by a student's grade point average for the previous semester. Participants are representatives of Boone County Schools and must conduct themselves appropriately at all times. Student participants who violate this policy are subject to being removed from the activity at the discretion of the coach, sponsor, or building administration, in addition to any other applicable punishment. In addition to adhering to the Boone County Schools Manual for Expected Behavior in Safe and Supportive Schools, all participants must also adhere to the following attendance requirements:

- A. Students not in attendance on the day of an activity shall not be permitted to participate in the activity after school hours.
- B. Students signing in late or signing out early shall not participate in activities after school hours unless exceptions are made at the discretion of the administration, due to a doctor's appointment, family illness, death or other family emergency, or school related absence.
- C. Students in violation of the state attendance policy for unexcused absences shall not be permitted to participate in any extracurricular activities for the remainder of the school year.
- D. Students not in attendance the entire day following an extracurricular activity will not be eligible to participate in the next scheduled extracurricular activity (see B above).
- E. Students who are suspended out of school or expelled are eligible to participate in activities until the first day of the designated period for the suspension or expulsion.
- F. Students serving out of school suspensions are not eligible to participate in extra-curricular activities.
- G. Any extra-curricular participation is prohibited until 12:00 a.m. on the last day of the suspension.

Those Boone County Schools students participating in a GED program whose grade point average for the last semester before entering into the program was below 2.0 grade point average may become eligible if they achieve a 2.0 average or better the mid-point of the second semester (the nine week point) in the same manner as students enrolled in the regular curriculum as outlined in WVBE Policy 2436.10.

Fees may be required to help support the cost of extra-curricular activities; however, the fees should be kept to a minimum in order to further equal opportunity for participation regardless of economic status. If fees are to be paid by a student who cannot afford those fees, school officials shall develop options that will allow the student to participate.

Section 5. Privacy

Students have certain privacy rights regarding school records. To ensure this privacy, WVBE Policy 4350 – Collection, Maintenance and Disclosure of Student Data provides regulations for schools to follow regarding school records. Parent(s)/guardian(s) of students under eighteen years of age are entitled by law to inspect and review their child's school records. This right applies to both custodial and non-custodial parents. Students have these same rights if they are eighteen years of age or older. A guidance counselor or other school official may be needed to assist in interpreting the information in a student's permanent record file, but their assistance is not required.

If a student or parent/guardian believes that information contained in an education record is inaccurate or misleading or violates the student's privacy or other rights, the student or

parent/guardian may request that the records be amended. If the school does not amend the records, a hearing may be requested to challenge the content of the records.

Except in certain instances, school officials may not release information from a student's records without the consent of a parent or guardian, or student if the student is eighteen years of age or older. For example, confidential medical information cannot be released without the consent of the parent(s) or guardian(s) or eligible students' specific written consent. However, under certain conditions, authorized persons or agencies may receive information without consent. For example, if school officials are served with a valid subpoena for student information, the parent(s) or guardian(s) must be provided notice prior to compliance with the subpoena in order that they may voice any objections in the venue that issued the subpoena.

Directory information may be released without seeking prior consent of the parent(s) or guardian(s) unless they refuse to waive consent at the beginning of each school year after receiving notification by the school of their statutory rights under the law.

Section 6. Protection from Unreasonable Searches and Seizures and Self-Incrimination

Federal and state constitutions and statutes provide protection for all citizens from unreasonable searches and seizures. Although school personnel have more latitude than police officers in this regard, because they do not need search warrants, search and seizures of lockers or students by school officials must still be reasonable, based upon the information known by them at the time of the search. Personal property may be searched by those authorized where there is "reasonable suspicion" to believe that student property contains stolen articles, illegal items or other contraband as defined by law or by local board or school policy.

Students also have a right under federal and state constitutions not to incriminate themselves about a crime when questioned on school grounds by an individual acting in the capacity of a law enforcement official. They are entitled to be informed of their right against self-incrimination if they are in a custodial setting, in other words, they are not at liberty to terminate the interrogation and leave. Students do not have a constitutional right against self-incrimination when being questioned by school officials or PRO Officers acting under the supervision of school officials who are investigating school related misconduct.

Section 7. Child Abuse Prevention

Students have the right to grow up without being physically or sexually abused at school, in the home or the community. WV Code §49-6A-2 requires teachers, counselors, nurses, or other professionals who suspect that a student is being abused to report the circumstances to the West Virginia Department of Health and Human Resources. Victims of abuse may seek the advice or assistance of a teacher, counselor, nurse, or other school professional. The school professional will assist students in getting needed help to prevent the abuse from recurring.

Chapter 3: POLICY IMPLEMENTATION

Section 1. Conceptual Framework

The School and Community Social Skills Standards as outlined in Chapter 1 are student focused and articulate the dispositions that students in Boone County Schools are expected to develop throughout their school career. The Boone County Board of Education believes that schools have a fundamental responsibility for creating the opportunity for students to master the standards. However, the full responsibility rests collectively with the school system, students, families and communities. All entities must work collaboratively to plan, implement and evaluate a systemic approach to shaping the valued dispositions that students must have as they develop into active, respectful and responsible citizens. The system must include schools, families and communities in the effort to teach, support and acknowledge valued dispositions and provide appropriate and meaningful interventions for inappropriate behavior.

Parent, family and community involvement at early childhood, middle and adolescent levels is absolutely fundamental to an effective system of public education. Strong partnerships between homes, schools and communities are needed to ensure a quality education for all children. Parents, teachers and community members, by fostering a sense of cooperative responsibility, can reinforce one another's efforts. Parents, as their children's first and most enduring teachers, can complement their children's school learning and behavior by serving as collaborators in the educational process. Community involvement, including strong business partnerships, promotes a safe and supportive school climate/culture that connects students to a broader learning community. Home-school-community partnerships are essential to the successful implementation of Policy 4373.

In order to convey a pervasive and consistent message that the valued dispositions are a priority, all students, staff and public guests of Boone County Schools shall behave in a manner that promotes a school climate/culture that is safe and supportive and conducive to developing our valued dispositions. Conduct expectations apply to all students, staff and public guests on school property, school owned/leased buses and vehicles, school bus stops and school sponsored events.

School climate/culture refers to the quality and character of school life and its responsibilities to student success and growth. School climate/culture is based on patterns of people's experience of school life and reflects norms, goals, values, interpersonal relationships, teaching, learning, leadership practices, and organizational structures. A sustainable, positive school climate/culture fosters youth development and learning necessary for a productive, contributing and satisfying life in a democratic society. This climate/culture includes norms, values and expectations that support people feeling socially, emotionally, intellectually and physically safe. Students and staff are engaged and respected. Students, families and educators work together to develop, live and contribute to a shared school vision. Educators model and nurture an attitude that emphasizes the benefits and satisfaction from learning. Each person contributes to the operations of the school and the care of the physical, social and emotional environment.

School climate/culture and procedures that support the development of positive school climate/culture are addressed through West Virginia Code and WVBE policies such as:

- 2322 - Standards for High Quality Schools (Standard 1 – Positive Climate/culture and Cohesive Culture)
- 2460 - Safe and Acceptable Use of the Internet by Students and Educators
- 2510 - Assuring Quality of Education: Regulations for Education Programs
- 5202 - Licensure of Professional/Paraprofessional Personnel
- 5310 - Performance Evaluation of School Personnel
- 5314 - Service Personnel Responsibilities and Performance Standards
- 5800 - Standards of Professional Practice for WV Superintendents, Principals and Teacher Leaders
- 5902 - Employee Code of Conduct

School climate/culture is also addressed in various county procedures and programs. The shaping of student behaviors is not confined to any one school personnel group or program; therefore, it is the collective responsibility of all school staff and all community partners to assume an appropriate role in shaping behavior and creating safe and supportive schools.

Section 2. Responsibilities of the WVBE and WVDE

Refer to WV Policy 4373 to review the full scope of the state's role in policy development, partnership development, training, technical assistance, evaluation of effectiveness and WV Code Requirements for the WVBE and WVDE.

Section 3. Responsibilities of the RESAs

A discussion of the RESAs role in partnership development, technical assistance and training with regard to WV Policy 4373 is specified in the state policy.

Section 4. Responsibilities of Boone County Schools

Purpose – To enact safeguards to protect the safe and supportive environment of the school. These safeguards shall include but not be limited to:

- The responsibility of school administration to implement provisions of this policy with specific regard to education, communication and enforcement provisions;
- Clear procedures for identification, intervention and referral of students with behavioral and/or substance abuse issues;
- Assurance that no school or board of education property or school or county publication may be used for the advertisement of any tobacco or alcohol product. In accordance with WVBE Policy 4321.1 - Standards for School Nutrition, county boards of education should minimize marketing other foods and beverages in the high school setting by locating their distribution in low student traffic areas and by ensuring that the exterior of

vending machines does not depict commercial logos of products or suggest that the consumption of vended items conveys a health or social benefit.

- Assurance that groups using school facilities shall sign agreements with the county board of education agreeing to comply with the environmental safeguards set forth in this policy; and
- Assurance that students, parents and spectators will be informed by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session.

Partnership Development: The Boone County Board of Education will strive to establish county agency and organization partnerships with the purpose of providing the county's schools with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in WV Policy 4373. Formal partnerships with community service agencies (i.e. law enforcement, behavioral healthcare providers) will be essential to successful implementation of this policy. Specific attention will be given to the development of formal agreements and protocols that ensure coordination between agencies and high quality service delivery to students and their families. Memoranda of understanding and/or contracts are necessary whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements will clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e. funding, space, staff, and data).

Informal partnerships may be short or long-term commitments that may or may not require written agreements. These partnerships usually involve collaborative groups that form around common missions and goals (i.e., anti-drug coalitions, tobacco control coalitions) to coordinate events, initiatives, resource development/dissemination, service delivery, local partnership development and/or professional development. They do not require formal agency agreements.

Policy Dissemination and Training: To ensure understanding of the Boone County Policy for Expected Behaviors in Safe and Supportive Schools, a county team will develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

- All schools must provide appropriate policy training.
- The Boone County Board of Education shall review the policy at least biannually for compliance with federal and state law and WVBE policy.
- The policy shall be made readily available to the public in written or electronic format.

Implementation Plan: The Boone County Board of Education will address, within the Student Support Goal of the county strategic plan, objectives for policy implementation that ensure each school incorporates the following in their five year strategic plan:

- Use of pro-active strategies to develop and support positive behavior in students;
- Application of data-driven continuous school climate/culture improvement activities that reflect the particular needs of students and staff members to study, learn and work in a positive school climate/culture; and

- Application of appropriate and consistent interventions for all forms of inappropriate behaviors.

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

Evaluation of Effectiveness: The Boone County Board of Education shall annually review data related to this policy that includes:

- Summary data for incidents of inappropriate behavior and intervention responses to incidents;
- Required LSIC reports;
- Trend analysis from school climate/culture survey tools (as available);
- Impact data related to school climate/culture improvement strategies within county and school strategic plans; and
- Impact data from training and staff development offered by the county, RESA and/or WVDE.

Boone County Board of Education Policy Prohibiting Intimidation or Bullying

This policy applies to any student, staff member, or member of the public during any school related activity taking place on school property, school buses, school bus stops or during any school sponsored event. Harassment, intimidation or bullying is strictly prohibited in Boone County Schools.

Bullying includes "harassment, intimidation or bullying, and cyber-bullying," as defined by WV Code 18-2C-2 and is defined as any intentional gesture and intentional written, verbal, or physical acts or threats, or any intentional electronic act, communication, transmission or threat that a reasonable person under the circumstances should know will have the effect of physically harming a student; damaging a student's property; placing a student in reasonable fear of harm to his/her person; or placing a student in reasonable fear of damage to his/her property; or is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student or disrupts or interferes with the orderly operation of the school.

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

In evaluating whether conduct constitutes bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.

A school-sponsored activity shall mean any activity conducted on or off school property (including school buses and other school-related vehicles and stops for such) that is sponsored, recognized, or authorized by the Board of Education.

Students' off-campus misconduct that might reasonably be expected to cause disruption in the school may constitute a violation of this policy and cause the student to be subject to discipline at school. Such off-campus misconduct would include, but is in no manner limited to, blogs and social media postings and/or other electronic communications created for the purpose of inviting others to participate in disruptive, hateful, or otherwise prohibited misconduct towards a student, staff member, or other member of the school community.

Types of Conduct

Bullying can include many different behaviors including overt intent to ridicule, humiliate, or intimidate another student. Examples of conduct that could constitute bullying include but are in NO WAY limited to:

- A. physical violence and/or attacks;
- B. threats, taunts, and intimidation through words and/or gestures;
- C. extortion, damage, or stealing of money and/or possessions;
- D. exclusion from the peer group or spreading rumors;
- E. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/on-line sites (also known as "cyber-bullying"), such as the following:
 1. posting slurs on web sites where students congregate or on web logs (personal on-line journals or diaries);
 2. sending abusive or threatening instant messages;

3. using camera phones to take embarrassing photographs of students and posting them on-line/or otherwise distributing them;
4. using web sites to circulate gossip and rumors to other students where a reasonable person would know or should know that these acts are likely to cause disruption to the school environment; and,
5. excluding others from an on-line group by falsely reporting them for inappropriate language to Internet Service Providers.

The following procedures shall be used for reporting, investigating, and resolving complaints of harassment, intimidation and bullying.

Publication of the Prohibition Against Bullying

The prohibition against bullying shall be publicized in student handbooks and in Boone County publications that set forth comprehensive rules, procedures and standards of conduct for students. Information regarding the policy shall be incorporated into employee training materials. The following statement shall be included:

Bullying behavior by any student in Boone County Schools is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. "Bullying, including cyber-bullying," in accordance with WV Code 18-2C-2 is defined as any intentional gesture and intentional written, verbal, or physical acts or threats, or any intentional electronic act, communication, transmission or threat that a reasonable person under the circumstances should know will have the effect of physically harming a student; damaging a student's property; placing a student in reasonable fear of harm to his/her person; or placing a student in reasonable fear of damage to his/her property; or is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student or disrupts or interferes with the orderly operation of the school. "An electronic act, communication, transmission or threat" includes, but is not limited, to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device. Such behaviors are prohibited on school grounds, at any school-sponsored activity, on school provided transportation, or at any official school bus stop. Students' off-campus misconduct that might reasonably be expected to cause disruption in

the school may constitute a violation of this policy and cause the student to be subject to discipline at school. “Such off-campus misconduct would include, but is in no manner limited to, blogs and social media postings, and/or other electronic communications created for the purpose of inviting others to participate in disruptive, hateful, or otherwise prohibited misconduct towards a student, staff member, or other member of the school community.

Retaliation/False Charges

Retaliation against any person, who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of bullying is prohibited. Such retaliation shall be considered a serious violation of Boone County Board of Education policy and independent of whether a complaint is substantiated. The filing of false charges shall likewise be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. For students, filing of false charges shall constitute a Level 2 or 3 offense of the Student Code of Conduct. For school employees, filing of false charges shall constitute a violation of the Employee Code of Conduct and may subject the employee to disciplinary action. Suspected retaliation should be reported in the same manner as harassment, intimidation and bullying.

Remedial Actions

Verified acts of bullying shall result in an intervention by the building principal or his/her designee that is intended to provide that the prohibition against bullying behavior is enforced, with the goal that any such prohibited behavior will cease.

Bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of bullying. While conduct that rises to the level of “bullying,” as defined above will generally warrant disciplinary action against the perpetrator of such prohibited behaviors whether or to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building principal. The following sets forth possible interventions for building principals to enforce the Board’s prohibition against “bullying.”

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim’s communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim

should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

Disciplinary Interventions

When acts of bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation. Expulsion may be imposed in accordance with policy. The full array of disciplinary options may be accessed in Chapter 4 under Level 3 Behaviors/ Interventions and Consequences.

Specific Intervention Options for Bullying

In addition to the prompt investigation of complaints of bullying and direct intervention when such prohibited acts are verified, Board employees may ameliorate any potential problem with bullying in school or at school-sponsored activities. While no specific action is required and the need for school interventions may vary from time-to-time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:

- A. Respectful responses to harassment, intimidation or bullying concerns raised by students, parents, or school personnel.
- B. Planned professional development programs addressing targeted individuals' problem, including what is safe and acceptable Internet use.
- C. Data collection to document victim problems to determine the nature and scope of the problem.
- D. Use of peers to help ameliorate the plight of victims and include them in group activities.
- E. Avoidance of sex-role stereotyping (e.g., males need to be strong and tough).
- F. Awareness and involvement on the part of all school personnel and parents with regard to victim problems.
- G. An attitude that promotes communication, friendship, assertiveness skills

and character education.

- H. Modeling by school personnel of positive, respectful, and supportive behavior toward students.
- I. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others.
- J. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere.
- K. Form bullying task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

Examples of Intervention Strategies for Protecting Victims

- A. Supervise and discipline offending students fairly and consistently.
- B. Provide adult supervision during recess, lunch time, bathroom breaks, and in the hallways during times of transition.
- C. Maintain contact with parents and guardians of all involved parties.
- D. Assist the victims to obtain counseling if assessment indicates that it is needed.
- E. Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed.
- F. Check with the victim daily to verify that there has been no incidents of bullying, or retaliation from the offender or other parties.

Training

Orientation sessions for students shall introduce the elements of this Boone County Board of Education Policy Prohibiting Intimidation and Bullying and the procedures that will be followed for its implementation. Students will be provided with age-appropriate information on the recognition and prevention of bullying and their rights and responsibilities under this and other Boone County Schools policies, procedures, and rules, at student orientation sessions and on

other appropriate occasions. Parents will be provided with information about this policy and procedure, as well as information about other district and school rules and disciplinary policies. This document shall be available electronically on the Boone County Schools website and upon request, a copy will be distributed to any student, parent, faculty, or staff member requesting a paper copy. Key points of the policy will be produced in any student, staff, volunteer, and parent handbooks and in any Boone County Board of Education publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.

Information regarding the policy on bullying behaviors shall be incorporated into training materials used with employees and volunteers with direct contact with students.

Police and Child Protective Services

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services (CPS), according to the prescribed timelines. Boone County Schools shall also investigate for the purpose of determining whether there has been a violation of its policy, even if law enforcement or CPS officials are also investigating. All Boone County Schools personnel shall cooperate with investigations by outside agencies.

In addition to, or instead of, filing a bullying, complaint through this policy, a complainant may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under other provisions of West Virginia Code or law that may apply.

Boone County Board of Education Policy on Anti-Harassment and Violence

General Statement

Racial, sexual, and religious/ethnic harassment is a form of discrimination which violates Title VII of the Civil Rights Act of 1964. This policy applies to any student, staff member, or member of the public during any school related activity or during any education sponsored event whether in a building or other property used or operated by the Boone County Board of Education or in any other facility being used by the Boone County Board of Education.

No student, staff member or member of the public, during any school related activity or during any education sponsored event, shall engage in sexual, racial or ethnic/religious harassment or violence. Persons found to have violated this prohibition shall be subject to disciplinary actions.

The Boone County Board of Education will act promptly and confidentially to investigate all harassment and violence complaints, formal or informal, verbal or written, and will take appropriate disciplinary action based upon the results of the investigation. Furthermore, Boone County Schools is committed to providing an educational setting that is safe, secure, and free from harassment and bullying for all of its students and school employees. This policy addresses instances of bullying and harassment which do not rise to the level of legally protected harassment under Federal law, but are, nonetheless, behaviors that may occur on school grounds, at school-sponsored events, on school buses, at school bus stops and through school computer networks and other electronic communication or transmission that will not be tolerated and must be appropriately identified, reported, investigated, and, when substantiated, be the subject of appropriate disciplinary action. An electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.

Definitions

- A. **Sexual Harassment** - Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
1. Submission to the conduct or communication is made a term or condition either explicitly or implicitly of obtaining or retaining employment, or of obtaining an education;
 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education;
 3. Creating an intimidating, hostile or offensive educational environment.

Sexual harassment may include, but is not limited to:

1. Verbal or written harassment of a sexual nature or abuse;
2. Pressure for sexual activity;
3. Inappropriate or unwelcome sexually motivated patting, pinching or physical conduct;
4. Sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;
5. Unwelcome behavior, verbal or written words or symbols, directed at an individual because of gender;

6. The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate, or opportunities;
7. Unwelcome sexual flirtations, advances, or propositions from a member of the same or opposite sex;
8. Verbal abuse of a sexual nature, without regard to whether the verbal abuse specifically refers to sexual characteristics at whom the verbal abuse is directed;
9. Verbal or written comments about an individual's body;
10. Sexually degrading word(s) or actions used to intimidate, describe an individual or refer to some aspect of the individual's behavior, appearance, attitude, or conduct;
11. The display, use or dissemination of sexually suggestive gestures, objects, pictures, and/or jokes by any means, including, but not limited to, printed materials and materials displayed by electronic means, sex based on labeling or stereotyping with respect to mental, physical, or other abilities, talents, occupational or life goals, etc.;
12. Nonsexual conduct, including words or actions, directed toward a person because of their gender that tends to ridicule, criticize, discriminate, or otherwise makes it more difficult for that person to perform their job or achieve an education.

It is the responsibility of all students and employees to promote and to maintain an environment free from of all types of sexual harassment. Any sexual harassment, as defined, when perpetrated on any student, volunteer, third party or employee by any student, volunteer, third party or employee will be treated as sexual harassment under this policy.

Note: Sexual conduct/relationships with students by Boone County Schools employees or any other adult member of the Boone County Schools community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual abuse or sexual assault as set forth in Article 8B, Chapter 61 of the West Virginia Code. The issue of consent may be irrelevant in regard to such criminal charge. In addition, under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situation, the Boone County Board of Education shall comply with the provision of law for reporting such abuse.

B. Racial Harassment – Racial harassment consists of physical, verbal, or written conduct relating to an individual’s race when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance;
3. Otherwise adversely affects an individual’s employment or academic opportunities;
4. Racial harassment includes racially degrading word(s) or actions used to intimidate, describe an individual or to refer to some aspect of the individual’s behavior, appearance, attitude, or conduct;
5. The display, use, or dissemination of racially motivated gestures, objects, pictures, and/or jokes by any means, including, but not limited to, printed materials displayed by electronic means;
6. Race based labeling or stereotyping with respect to mental, physical, or other abilities, talents, occupational or life goals, etc.;
7. Unwelcome behavior, verbal or written words or symbols, directed at an individual because of race;
8. Conduct, including word(s) or actions, directed toward a person because of their race that tends to distract or otherwise make it more difficult to perform their job and/or achieve an education.

It is the responsibility of all students and employees to promote and to maintain an environment free of all types of racial harassment. Any racial harassment, as defined, when perpetrated on any student, volunteer, third party or employee by any student, volunteer, third party or employee will be treated as racial harassment under this policy.

C. Religious/Ethnic Harassment – Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual’s religion or ethnic background when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual’s work or academic performance;
3. Otherwise adversely affects an individual’s employment or academic opportunities;
4. Religious/ethnic degrading word(s) or actions used to intimidate, describe an individual or refer to some aspect of the individual’s behavior, appearance, attitude or conduct;
5. The display, use or dissemination of degrading religious/ethnic suggestive gestures, objects, pictures, and/or jokes by any means including, but not limited to, printed materials and materials displayed by electronic means;
6. Religious/ethnic based labeling or stereotyping with respect to mental, physical or other abilities, talents, occupational or life goals, etc.;

7. Conduct, including word(s) or actions, directed toward a person because of their religion or ethnicity that tends to distract or otherwise make it more difficult to perform their job and/or achieve an education.

It is the responsibility of all students and employees to promote and to maintain an environment free of all types of religious/ethnic harassment. Any religious/ethnic harassment, as defined, when perpetrated on any student, volunteer, third party or employee by any student, volunteer, third party or employee will be treated as religious/ethnic harassment under this policy.

- D. **Sexual Violence** – Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching another’s intimate parts or forcing a person to touch any person’s intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

1. Touching, patting, grabbing or pinching another person’s intimate parts, whether that person is of the same sex or the opposite sex;
2. Coercing, forcing or attempting to coerce or force the touching of anyone’s intimate parts;
3. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
4. Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another;
5. Threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

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

- I. **Religious/Ethnic Violence** – Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to religion or ethnicity.

- J. **Assault** – Assault is defined as an act done with intent to cause fear in another of immediate bodily harm or death; or the threat to do bodily harm to another with present ability to carry out the threat.

Reprisal

The Boone County Board of Education will discipline, as appropriate, any individual who retaliates against any person who reports allegations of racial, sexual or religious/ethnic harassment or violence, or any person, who cooperates, testifies, assists, or participates in any racial, sexual or religious/ethnic harassment or violence investigation, proceeding or hearing. “Retaliation” includes, but is not limited to, any form of retaliation or intimidation, reprisal,

coercion, provocation, or harassment. The Boone County Board of Education will also discipline, as appropriate, any person who falsely reports religious/ethnic, racial or sexual harassment.

Student-Employee Relationships Prohibited

Amorous relationships between employees of the Boone County Board of Education and students are prohibited, and staff members found to have violated this prohibition shall be subject to the penalties and disciplinary action defined herein.

Non-Harassment

The Boone County Board of Education recognizes that not every advance, conduct or interaction of a racial, sexual or religious/ethnic or violent nature constitutes harassment. Whether a particular act, conduct, interaction, or incident is a personal, consensual, welcome interaction or social relationship without discriminatory motivation or effect on employment or education status will be determined based upon consideration of all facts and surrounding circumstances.

The Boone County Board of Education recognizes that not all reports of allegations of sexual, racial, and/or religious/ethnic harassment will result in findings that such an incident has occurred. However, the Board encourages all persons who believe that they are a victim of such harassment to come forward and affirms its policy that no adverse action will be taken upon the filing of a complaint under this policy, unless it is shown, through investigation, that the complaint is patently false.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the filing of charges with the West Virginia Human Rights Commission, filing an employee grievance, filing a citizen's appeal, filing a Title IX grievance, filing charges with the Federal Equal Employment Opportunity Commission or initiating civil or criminal action under State and/or Federal law.

Sexual Harassment as Abuse

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under West Virginia Code. In such situations, Boone County Schools and its employees shall comply with the provisions of law for reporting such abuse.

Dissemination of the Policy

This policy or a summary shall be conspicuously posted throughout each school or facility of the Boone County Board of Education in areas accessible to students and staff members.

This document shall be available electronically on the Boone County Schools website and upon request, a copy will be distributed to any student, parent, faculty, or staff member requesting a

paper copy. Key points of the policy will be produced in any student, staff, volunteer and parent handbooks and in any Boone County Board of Education publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.

The students and staff of the Boone County Board of Education shall be trained on these regulations and on means for effectively promoting the goals of this policy.

This Boone County Board of Education policy shall be reviewed at least bi-annually to assure compliance with State and Federal law and with State Board of Education policy.

Groups and persons utilizing school properties for curricular and extra-curricular activities must agree to comply with this policy prior to the use of any Boone County Schools facility. Failure to comply with this policy by a non-student group will result in the immediate forfeiture of the group's use of school properties.

Implementation and Education

The Director of Safe Schools shall develop a program designed to raise the awareness of the different types of harassment, how they manifests themselves, and the emotional, educational and legal consequences of the harassment. Multi-cultural education programs must be established to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds.

The Director of Safe Schools shall present written and verbal information to all faculty, staff and students at least once annually. Dissemination of written and verbal information may be made by a designee(s) of the Director of Safe Schools, as appropriate, and such presentation must be age-appropriate for student K-4, 5-8, and 9-12.

Additional Responsibilities of Boone County Schools

Training, to the extent state or federal funds are appropriated, will be provided to school employees and volunteers on the harassment, intimidation or bullying policy, who have direct contact with students and students will be educated using embedded goals across the curriculum as discussed in Chapter 1 of this policy.

§18-5A-2

Local School Improvement Councils (LSIC)

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

- Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for in-school programs with alternative settings and/or schedules, a system to provide effective communication and

coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies.

- Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions.

The superintendent (or designee) shall respond to the LSIC in writing within 10 days of receiving the report.

The county board shall retain and file all such correspondence for public review.

§18-9F-1 et seq.

School Access Safety Act In order to seek funds for school access safety projects, Boone County Schools will, during a fiscal year, submit to the School Building Authority (SBA), a school access safety plan or annual plan update that addresses the school access safety needs of each school facility in the county. The safety plan shall include the following:

- A prescribed county wide inventory of each school facility's means of ingress to and egress from the school for students, school employees, parents, visitors and emergency personnel;
- The recommendations and guidelines developed by the Countywide Council on Productive and Safe Schools together with the Boone County Board of Education assessment of the recommendations and guidelines;
- Recommendations for effective communication and coordination between school facilities, local law-enforcement agencies and local emergency services agencies in the county;
- An assessment of the current status of crime committed on school campuses and at school-related functions;
- A projected school access safety repair and renovation schedule for all school facilities in the county;
- A prioritized list of all projects contained in the plan, including the projected cost of each project;
- A description of how the plan addresses the school access safety goals and guidelines established by the SBA and how each project furthers the Boone County Board of Education safety plan, facilities plan and school major improvement plan;
- Notation of the funds available for allocation and disbursement to Boone County Schools from the School Access Safety Fund;
- A description of any source of local funds that Boone County Schools intends to contribute to the safety projects, or an approved financial hardship waiver, to satisfy the local contribution requirements; and
- Any other element considered appropriate by the SBA or required by other regulations.

§18-9F-9

Crisis Response Plan The state board in conjunction with the Division of Homeland Security and Emergency Management shall promulgate by December 31, 2011, a legislative rule for the establishment of an up-to-date, school specific crisis response plan at every school in the state.

The specific requirements of the crisis response plan fall primarily with the WVBE and each school; however, the Boone County Board of Education is required to:

- Keep the current crisis response plan of each school in the county on file and, unless otherwise provided for, provide a copy of each school's crisis response plan to each local emergency response agency that has a role in the plan. Local emergency response agencies that maintain a copy of the plan shall provide the same necessary safeguards for the information in the plan;
- Make available to the public, upon request, a redacted copy of a school crisis response plan with any information removed that is necessary for compliance with the necessary safeguards.

Boone County Schools will make every effort to support schools in the development and updating of school crisis response plans by providing the following guidance and support:

- Standardized procedures, developed in collaboration with local emergency agencies and service providers, that can be used in each school crisis plan as appropriate when one agency or service provider serves all schools within the county;
- Standardized lists of existing county board policies that support the requirements of the school crisis response plan;
- Standardized local procedures for documenting safeguards and technical support to schools regarding the appropriate filing of the school crisis response plan;
- Standardized procedures for the annual review/update of each school crisis response plan.
- Resources for training school personnel on school specific crisis response plans.

§18A-5-1 Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished

- Boone County Schools will explore the possibility of creating more alternative learning centers and will expand its capacity for alternative placements, subject to funding, to correct disruptive student behaviors so disruptive students can return to a regular classroom without engaging in further disruptive behavior. Corporal punishment of any student by a school employee is prohibited.
- Boone County Schools is solely responsible for the administration of proper discipline in the public schools of the county and will revise and implement policies consistent with state laws to govern disciplinary actions. These policies shall encourage the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline.
- Boone County Schools will provide for the implementation of a preventive discipline program.
- Boone County Schools will provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution.
- Boone County Schools will explore ways to increase educational programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students and other preventive discipline programs.

§18A-5-1a

Safe Schools

Possessing deadly weapons...; possessing a controlled substance...; assaults and batteries... upon teachers or other school personnel; ... sale of narcotic; expulsion; exception; alternative education

- When a principal has notified the superintendent of a student's suspension for battery upon a school employee, possession of a deadly weapon or sale of a narcotic drug listed in the Uniform Controlled Substances Act, WV Code §60A-1-101(p), on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal shall recommend the student's expulsion to the superintendent. The superintendent, in turn, shall recommend to the Boone County Board of Education that the student be expelled.
- When a principal has notified the superintendent of a student's suspension for any other conduct listed in WV Code §18A-5-1a, on a school bus, on the premises of an educational facility or at a school-sponsored function, the principal may recommend the student's expulsion to the superintendent. The superintendent, in turn, may recommend to the Boone County Board of Education that the student be expelled.
- Upon such recommendation by the superintendent, the Boone County Board of Education shall conduct a hearing in accordance with this section of state code to determine if the student committed the alleged violation. If the board finds that the student did commit the alleged violation, the board shall act as prescribed for each respective Safe Schools violation delineated in WV Policy 4373 Chapter 4, Section 2, Level 4.
- The Boone County Board of Education shall issue written notice which states the charges and the recommended disposition to be served upon the student and his or her parent(s), guardian(s) or custodian(s). The notice shall include:
 - The date and time at which the hearing shall be held (within ten days of the beginning of the suspension);
 - If the Boone County Board of Education will attempt to establish the student as a dangerous student, the notice must state this intention and include any evidence which will be used to assert this claim.
- The Boone County Board of Education shall hold the scheduled hearing to determine if the student should be reinstated or expelled from school and if to determine if the student is a dangerous student pursuant to subsection (g) of this section.
- At any hearing before the Boone County Board of Education, the student may be represented by counsel, may call his or her own witnesses to verify his or her version of the incident and may confront and cross-examine witnesses supporting the charge against him or her.
- The hearing shall be recorded by mechanical means unless recorded by a certified court reporter.
- The hearing may be postponed for good cause shown by the student but he or she shall remain under suspension until after the hearing.
- At the conclusion of the hearing the county board shall either: (1) order the student reinstated immediately at the end of his or her initial suspension; (2) suspend the student for a further designated number of days; or (3) expel the student from the public schools of Boone County.

- If the Boone County Board of Education did not intend prior to a hearing to assert a dangerous student claim, did not notify the student prior to the hearing that a dangerous student determination would be considered and determines through the course of the hearing that the student may be a dangerous student, the Board of Education shall schedule a second hearing within ten days to decide the issue. The hearing may be postponed for good cause shown by the student, but he or she remains under suspension until after the hearing.
- Upon expelling a student, and finding that the student is a dangerous student, Boone County Schools may refuse to provide alternative education; however, a hearing for the purpose of re-examining whether or not the student remains a dangerous student and whether the student shall be provided alternative education shall be conducted every three months for so long as the student remains a dangerous student and is denied alternative education.
- If it is determined during any of the hearings that the student is no longer a dangerous student or should be provided alternative education, the student shall be provided alternative education during the remainder of the expulsion period.
- The superintendent may apply to a circuit judge or magistrate for authority to subpoena witnesses and documents in a proceeding related to a recommended student expulsion or dangerous student determination. If the authority to subpoena is granted, the superintendent shall subpoena the witnesses, documents or both.
- Any hearing may be postponed: (1) For good cause shown by the student; (2) when proceedings to compel a subpoenaed witness to appear must be instituted; or (3) when a delay in service of a subpoena hinders either party's ability to provide sufficient notice to appear to a witness. A student remains under suspension until after the hearing in any case where a postponement occurs.
- The Boone County Board of Education must report the number of students determined to be dangerous students to the State Board of Education.
- Students may be expelled pursuant to the provisions of this code section for a period not to exceed one school year, except that if a student is determined to have violated the provisions of §18A-5-1a(a) (battery on a school employee, possession of deadly weapons, or sale of a narcotic drug on a school bus, on the school premises or at a school-sponsored function, the student shall be expelled for a period of not less than twelve consecutive months.
- The county superintendent may lessen the mandatory period of twelve consecutive months for the expulsion of the student if the circumstances of the student's case warrant. Upon the reduction of the period of expulsion, the county superintendent shall prepare a written statement setting forth the circumstances of the student's case which warrant the reduction of the period of expulsion. The county superintendent shall submit the statement to the Boone County Board of Education, the principal, the faculty senate and the local school improvement council. The county superintendent may use the following factors as guidelines in determining whether or not to reduce a mandatory twelve-month expulsion:
 - The extent of the student's malicious intent;
 - The outcome of the student's misconduct;
 - The student's past behavior history; and
 - The likelihood of the student's repeated misconduct.
 - In all hearings under this section, facts shall be found by a preponderance of the evidence.

- All actions taken with regard to this section of law must be in compliance with the federal provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
- Each suspension or expulsion imposed upon a student under the authority of this section shall be recorded in WVEIS.

§61-7-11a

Possessing deadly weapons on premises of educational facilities...

It is unlawful for any person to possess any firearm or any other deadly weapon on any school bus or in/on any public or private primary or secondary education building, structure, facility or grounds including any vocational education building, structure, facility or grounds or at any school-sponsored function.

The Boone County Board of Education may authorize a possession of deadly weapons on school property for programs with valid educational purposes or school fundraising programs which include the display of unloaded firearms.

Section 5. Responsibilities of Schools

Partnership Development: In accordance with Boone County Board of Education policies and protocols, schools will establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described under WV Policy 4373, Chapter 3, Section 2. Formal partnerships between community service agencies must be approved through the Boone County Board of Education.

Policy Dissemination and Training: To ensure understanding of the county policy for Expected Behaviors in Safe and Supportive Schools and the school implementation plan, each school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians.

- This policy shall be available electronically on the Boone County Schools website and upon request, a copy will be distributed to any student, faculty, and staff member requesting a paper copy.
- The county and/or school shall develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy.

Implementation Plan: Plans for the implementation of county policies for Expected Behaviors in Safe and Supportive Schools should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study learn and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school

through the county’s formal and informal partnership agreements as well as through additional school level partnerships.

At a minimum, schools shall:

- Establish a leadership team (may be an existing team) to manage the design, monitoring and improvement of school climate/culture;
- Establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents and community;
- Develop school-wide priorities for Policy 4373;
- Analyze school climate/culture data annually;
- Make data driven improvement decisions based on analysis of consistently tracked student behaviors;
- Implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- Implement programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes;
- Implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- Develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- Evaluate school climate/culture improvement processes and revise as needed.

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

- Progress toward implementation plan goals and objectives
- Evidence of school climate/culture improvement efforts;
- Required LSIC reports (WV Code §18-5A-2);

WV Code	School Requirements
<p><u>§18-5A-2</u> Local School Improvement Councils (LSIC)</p>	<ul style="list-style-type: none"> • The LSIC shall schedule any meeting that involves the issue of student discipline outside the regularly scheduled working hours of any school employee member of the council. • The LSIC shall conduct a meeting to engage parents, students, school employees and other interested parties in a positive and interactive dialogue regarding effective discipline policies. • The LSIC shall develop and deliver a report (adhering to all applicable student privacy regulations) to the county superintendent (council on productive and safe schools) that includes: <ul style="list-style-type: none"> ○ Guidelines for the instruction and delivery of interventions for students who have been excluded from the classroom, suspended from the school or expelled from the school. The guidelines shall include descriptions/recommendations for

	<p>in-school programs with alternative settings and/or schedules, a system to provide effective communication and coordination between school and local emergency services agencies, preventive discipline strategies and student involvement strategies.</p> <ul style="list-style-type: none"> ○ Findings from an examination of school discipline procedures including disciplinary measures used at the school along with a documented assessment of fairness and consistency of disciplinary actions. • The superintendent (or designee) will respond to the LSIC in writing within 10 days of receiving the report and the Boone County Board of Education shall retain and file all such correspondence for public review.
<p><u>§18-9F-9</u> School crisis response plan</p>	<p>Each school shall create a comprehensive crisis response plan with necessary safeguards to protect information contained in each response plan that may be considered protected critical infrastructure information, law enforcement sensitive information or for official use only. The crisis response plans must be developed under the following requirements:</p> <ul style="list-style-type: none"> • Each school shall form a crisis response planning team consisting of the principal, two teachers, one service person and two parents of children attending the school. The crisis response planning team may include one member of the county board, a school counselor, a member from local law-enforcement authorities, the local county emergency services director and one student in grade ten or higher if the school has those grades; • Each school, through the school’s crisis response planning team, shall develop a school specific crisis response plan using the state/county template and with consultation from local social services agencies, local first response agencies including police, fire, emergency medical services (EMS), emergency management and any other local entities that the school’s crisis response planning team determines should be consulted; • Each school’s specific crisis response plan shall be in place and filed with the Boone County Board of Education and included in a secure electronic system identified by the Division of Homeland Security and Emergency Management no later than August 1, 2013, or soon after completion by the school, whichever occurs first; • Each school’s crisis response planning team shall annually review its crisis response plan and shall update the plan according to procedures developed by the state no later than August 1 of each year after 2013; • Each school shall make a redacted copy of its school crisis response plan available, upon request, for inspection by the public with any

	<p>information removed that is necessary for compliance with the necessary safeguards developed by the state. Starting with the 2013-2014 school year, each school shall annually send notice home to all parents and guardians of students at the school alerting the parents and guardians to the existence of the crisis response plan and the ability to review a redacted copy at the offices of the county board;</p> <ul style="list-style-type: none"> • Each school crisis plan shall include at least the following: <ul style="list-style-type: none"> ○ The school employee in charge during a crisis and a designated substitute; ○ A communication plan to be used during a crisis; ○ Protocols for responding to immediate physical harm of students, faculty or staff and to traumatic events, including the period after the events have concluded; ○ Disaster and emergency procedures to respond to earthquakes, fire, flood, other natural disasters, explosions or other events or conditions in which death or serious injury is likely; ○ Crisis procedures for safe entrance to and exit from the school by students, parents, and employees, including an evacuation and lock down plan; and ○ Policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis.
<p><u>§18A-5-1</u> Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished</p>	<ul style="list-style-type: none"> • The teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school. • Subject to <u>WVBE Policy 2423 – Communicable Disease Control</u>, the school administrator or school nurse shall exclude from the school any student known to have or suspected of having any infectious disease, or any student who has been exposed to any infectious disease. • The teacher or bus driver may exclude from his or her classroom or school bus any student who is guilty of inappropriate behavior as outlined in WV Policy 4373, <u>Chapter 4, Section 2</u> , Levels <u>Level 1, Level 2, Level 3</u> or <u>Level 4</u>. • Any student excluded shall be placed under the control of the principal of the school or a designee. • The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written

	<p>certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken.</p> <ul style="list-style-type: none"> • If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). • When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. • If the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. • A student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time or alternative class settings. • Corporal punishment of any student by a school employee is prohibited.
<p>§18A-5-1a Possessing deadly weapons...; possessing a controlled substance...; assaults and batteries...upon teachers or other school personnel; ... sale of narcotic; expulsion; exception; alternative education</p>	<ul style="list-style-type: none"> • A principal <u>shall suspend</u> a student from school or from transportation to or from the school on any school bus if the student, in the determination of the principal after an informal hearing, has committed on a school bus, on the premises of an educational facility or at a school-sponsored function: (1) battery on a school employee; (2) possession of a deadly weapon; or (3) sale of a narcotic drug. If a student has been suspended for these reasons, the principal <u>shall</u>, within twenty-four hours, request that the county superintendent recommend to the Boone County Board of Education that the student be expelled. • A principal <u>shall suspend</u> a student from school, or from transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has committed: (1) an act or engaged in conduct that would constitute a felony under the laws of this state if committed by an adult; or (2) 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. If a student has been suspended for these reasons, the principal <u>may</u>

request that the superintendent recommend to the Boone County Board of Education that the student be expelled.

- A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal after an informal hearing, has: (1) threatened to injure, or in any manner injured, a student, teacher, administrator or other school personnel; (2) willfully disobeyed a teacher; (3) possessed alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function; (4) used profane language directed at a school employee or student; (5) intentionally defaced any school property; (6) participated in any physical altercation with another person while under the authority of school personnel; or (7) habitually violated school rules or policies. If a student has been suspended for these reasons, the principal may request that the superintendent recommend to the Boone County Board of Education that the student be expelled.
- The actions of any student which may be grounds for his or her suspension or expulsion shall be reported immediately to the principal. If the principal determines that the alleged actions of the student would be grounds for an out-of-school suspension, he or she shall conduct an informal hearing for the student immediately after the alleged actions have occurred. The hearing shall be held before the student is suspended unless the principal believes that the student's continued presence poses a continuing danger to persons or property or an ongoing threat of disruption, in which case the student shall be suspended immediately and a hearing held as soon as practicable after the suspension.
- The student and his or her parent(s), guardian(s) or custodian(s), as the case may be, shall be given telephonic notice, if possible, of this informal hearing, which notice shall briefly state the grounds for the out-of-school suspension.
- At the informal hearing, the principal shall ask the student to admit to or deny the charges. If the student does not admit the charges, he or she shall be given an explanation of the evidence and an opportunity to present his or her version of the occurrence. At the conclusion of the hearing or upon the failure of the student to appear, the principal may suspend the student for a maximum of ten school days, inclusive of any time the student was excluded from the school prior to the hearing.
- The principal shall report any suspension the same day it has been decided upon, in writing, to the parent(s), guardian(s) or custodian(s) of the student by regular United States mail. The suspension also shall be reported to the superintendent and to the faculty senate of the school at the next meeting after the suspension.
- Each suspension or expulsion imposed upon a student shall be

	<p>recorded in WVEIS. The principal shall record all suspensions within twenty-four hours.</p> <ul style="list-style-type: none">• Principals may exercise any other authority and perform any other duties to discipline students consistent with state and federal law, including policies of the State Board of Education.
<p><u>§61-7-11a</u> Possessing deadly weapons ...; reports by school principals...</p>	<ul style="list-style-type: none">• The principal shall report any possession of a deadly weapon discovered by such principal on school premises to the state superintendent of schools within seventy-two hours after such violation occurs.• The principal shall report any possession of a deadly weapon discovered by such principal to the appropriate local office of the division of public safety within seventy-two hours after such violation occurs.

Chapter 4: INAPPROPRIATE BEHAVIOR AND MEANINGFUL INTERVENTIONS AND CONSEQUENCES

Section 1. Addressing Inappropriate Behavior with Meaningful Interventions and Consequences

The purpose of these regulations is to provide schools with policy that creates and ensures an orderly and safe environment that is conducive to learning. This policy requires that all schools respond immediately and consistently to any behavior that disrupts the learning environment in a manner that effectively deters future incidents and affirms respect for individuals. Inappropriate behaviors include but are not limited to incidents of harassment, intimidation, bullying, substance abuse and/or violence. The intent is for students to learn and exhibit appropriate behavior. All interventions and consequences are in effect on all school property and at all school sanctioned events, including extracurricular activities. Boone County Schools, with support from the WVDE and RESAs, will implement proactive, preventative, and responsive programs, outline investigatory and reporting procedures, and delineate meaningful interventions and consequences in response to inappropriate behavior.

This policy classifies inappropriate student behavior in four levels.

School policies should identify appropriate and meaningful interventions and consequences that include, but are not limited to, examples provided in this policy. It is not a requirement that all schools offer every intervention and consequence listed in this policy. School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction.

Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level 1 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator for Level 1, Level 2 and Level 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy. Level 3 and Level 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

In order to create consistency among all schools in the application of out-of-school suspension and expulsion as they relate to inter-scholastic extracurricular activities, any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the out-of-school suspension or expulsion.

When administering interventions and consequences, it is required to determine if a student warrants protection under the IDEA, WVBE Policy 2419 and or Section 504.

Section 2. Inappropriate Behaviors: Codes, Definitions and Interventions and Consequences

Level I Inappropriate Behaviors

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

- A. **Cheating.** A student will not plagiarize or copy the work of others or break rules to gain advantage in a competitive situation. Interventions for this behavior may include academic sanctions in addition to other discipline.
- B. **Deceit.** A student will not deliberately conceal or misrepresent the truth, deceive another or cause another to be deceived by false or misleading information.
- C. **Disruptive/Disrespectful Conduct.** A student will not exhibit behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.
- D. **Failure to Serve Detention.** A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.
- E. **Falsifying Identity.** A student will not use another person's identification or give false identification to any school official with intent to deceive school personnel or falsely obtain money or property.
- F. **Inappropriate Appearance.** A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distractive or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy, including but not limited to, 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. Specifically, a student will not wear any clothing that exposes the mid part of the body. No tank tops, spaghetti straps or halters will be permitted unless worn under a shirt. The length of a skirt, dress or shorts must extend to at least the student's mid-thigh. No headwear or hats will be permitted to be worn in classes or inside school buildings during the school day with the exception of documented medical or religious reasons. No sunglasses will be permitted to be worn in classes or inside buildings during the school day. No clothing or articles depicting violence will be permitted. No see-through mesh or fishnet clothing or clothing that has holes or

cutouts above mid-thigh shall be allowed. No clothing or articles that contain depictions of or references to, or are suggestive of sex, alcohol, drugs, tobacco, obscenities or profane language will be permitted. No clothing, jewelry or accessories, which may be considered derogatory toward a race, culture or religion, will be permitted. No articles, such as chains, that could be used as weapons shall be allowed. No baggy clothing that is considered to be a safety hazard or that exposes any undergarments or mid-sections shall be allowed. No spike jewelry is acceptable. Pierced body ornaments, other than studs, are restricted to the ears. Tattoos, which would violate these guidelines if worn as clothing, are not permitted. Any other clothing or accessories, not listed above, which are considered disruptive or unsafe by the school administration will not be permitted.

- G. **Inappropriate Display of Affection.** Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.
- H. **Inappropriate Language.** A student will not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group).
- I. **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 the unauthorized use of cell phones in school facilities.
- J. **Skipping Class*** In accordance with WVBE 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.
- K. **Tardiness*** A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.
- L. **Vehicle Parking Violation.** A student will not engage in improper parking of a motor vehicle on school property.

Interventions and Consequences for Level 1 Offenses

Any of the following interventions or consequences may be used, as appropriate, in response to Level 1 violations.

- Administrator/student conference or reprimand
- Administrator and teacher-parent/guardian conference
- Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.
- Counseling referrals and conference to support staff or agencies
- Daily/weekly progress reports
- Behavioral Contracts (Samples available via link in WV Policy 4373)

- Contract for Anger Management
- General Behavior Contract
- Change in the student's class schedule
- School service assignment
- Confiscation of inappropriate item
- Revocation of privileges
- Restitution/restoration
- Detention (lunch, before and/or after school)
- Denial of participation in class and/or school activities
- Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (WV Code §18A-5-1)
- Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
- In-school suspension
- *WV Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class.
- While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days.

Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

Level II Inappropriate Behaviors.

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

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

- b. 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.
 - c. Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.
 - d. Recruiting student(s) for gangs.
- B. **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.
- C. **Habitual Violation of School Rules or Policies.** A student will not persistently refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.
- D. **Insubordination.** A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.
- E. **Leaving School Without Permission.** A student will not leave the school building, campus of school activity for which the student is enrolled without permission from authorized school personnel.
- F. **Physical Fight Without Injury.** A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons.
- G. **Possession of Imitation Weapon.** A student will not possess any object fashioned to imitate or look like a weapon.
- H. **Possession of Knife Not Meeting Dangerous Weapon Definition (WV Code §61-7-2).** A student will not possess a knife or knife-like implement under 3½ inches in length. WV Code §61-7-2 clarifies that a pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- I. **Profane Language/Obscene Gesture/Indecent Act Towards an Employee or a Student.** A student will not direct profane language, obscene gestures or indecent acts toward a school employee or a fellow student. This inappropriate behavior includes but is not limited to, verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.

J. Technology Misuse. A student will not violate the terms of WVBE Policy 2460, Safety and Acceptable Use of the Internet by Students and Educators.

Interventions and Consequences for Level 2 Offenses

Any of the following interventions or consequences may be used, as appropriate, in response to Level 2 violations.

- Administrator/student conference or reprimand
- Administrator and teacher- parent/guardian conference
- Referral to support staff or agencies for counseling or other therapeutic services
- Daily/weekly progress reports
- Behavioral contracts
- Change in the student's class schedule
- School service assignment
- Confiscation of inappropriate item
- Revocation of privileges
- Restitution/restoration
- Before and/or after-school detention
- Denial of participation in class and/or school activities
- Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (WV Code §18A-5-1)
- Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
- In-school suspension
- Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 6, Section 2)WV Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class.
- The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.
- Expulsion

Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

Level III Inappropriate Behaviors.

Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with WV Code §18A-5-1a, subsections (b) through (h).

- A. **Battery Against a Student.** A student will not unlawfully and intentionally injure another student.
- B. **Defacing School Property/Vandalism.** A student will not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.
- C. **False Fire Alarm.** A student will not knowingly and willingly set off a fire alarm without cause.
- D. **Fraud/Forgery.** A student will not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities.
- E. **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 organization, including both co-curricular and extra-curricular activities.
- F. **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.
- G. **Larceny.** A student will not, without permission, take another person’s property or have another person’s property in his or her possession. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with WV Code §61-3-13.
- H. **Sexual Misconduct.** A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event.
- I. **Threat of Injury/Assault Against An Employee or A Student.** A student will not threaten (verbal or written) or attempt to injure another student, teacher, administrator or other school personnel. [This includes assault on a school employee defined in WV Code §61-2-15.
- J. **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.

K. **Harassment/Bullying/Intimidation.** A student will not bully/intimidate/harass another student. According to WV Code §18-2C-2, “harassment, intimidation or bullying” means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:

- A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student’s property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property;
- Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or
- Disrupts or interferes with the orderly operation of the school.
- An electronic act, communication, transmission or threat includes but is not limited to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to transmission of any image or voice, email or text message using any such device.
- Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/ disability; or other characteristic.
- When harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:
 - **Sexual harassment** consists of sexual advances requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or
 - Creating an intimidating, hostile or offensive employment or educational environment.
 - **Sexual harassment** may also include but is not limited to:
 - Verbal harassment of a sexual nature or abuse;
 - Pressure for sexual activity;

- inappropriate or unwelcome patting, pinching or physical contact;
 - Sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;
 - Behavior, verbal or written words or symbols directed at an individual because of gender; or
 - The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate/culture or opportunities.
- **Amorous relationships** between Boone County Board of Education employees and students are prohibited.
- **Racial harassment** consists of physical, verbal or written conduct relating to an individual's race when the conduct:
 - Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - Otherwise adversely affects an individual's employment or academic opportunities.
- **Religious/ethnic harassment** consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:
 - Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - Otherwise adversely affects an individual's employment or academic opportunities.
- **Sexual violence** is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:
 - Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

- Threatening or forcing exposure of intimate apparel or body parts by removal of clothing.
 - **Racial violence** is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
 - **Religious/ethnic violence** is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.
- H. **Imitation Drugs: Possession, Use, Distribution or Sale.** A student will not possess, use, distribute or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance.
- I. **Inhalant Abuse.** A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of “getting high”. The action may be referred to as huffing, sniffing, dusting and/or bagging.
- J. **Possession/Use of Substance containing Tobacco and/or Nicotine.** A student will not unlawfully possess, use or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products in any building/area under the of a county school system, including all activities or events sponsored by Boone County Schools.

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

- No person (student, staff member or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events.
- Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.
- An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

Interventions and Consequences for Level 3 Offenses

Level 3 behaviors are criminal offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer or actual arrest. In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to:

- Administrator/student conference or reprimand
- Administrator and teacher-parent/guardian conference
- Referral to support staff or agencies for counseling or other therapeutic services
- Notification of appropriate Health and Human Resources
- Daily/weekly progress reports
- Behavioral contracts
- Change in the student's class schedule
- School service assignment
- Confiscation of inappropriate item(s)
- Revocation of privileges
- Restitution/restoration
- Before and/or after-school detention
- Denial of participation in class and/or school activities
- Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (WV Code §18A-5-1)
- Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006)
- In-school suspension
- Out-of-school suspension for up to ten (10) days (See guidelines in Chapter 6, Section 2)
- The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter.
- Expulsion

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

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

Level IV Inappropriate Behaviors.

Safe Schools Act Behaviors - are consistent with those addressed in West Virginia Codes §18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with West Virginia Codes §61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1994. These laws require that the principal, superintendent and county board address Level 4 behaviors in a

specific manner as outlined in WV Code §18A-5-1a and paraphrased in Chapter 3, Section 4 and Section 5 of WV Policy 4373 .

- A. **Battery Against a School Employee.** A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in WV Code §61-2-15(b).
- B. **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 WV Code §18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (WV Code §61-3- 1), malicious wounding and unlawful wounding (WV Code §61-2-9), bomb threat (WV Code §61-6-17), sexual assault (WV Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (WV Code §61-6-24) and grand larceny (WV Code §61-3-13).
- C. **Illegal Substance Related Behaviors.** A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in WV Code §60A-1-101, et seq. or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WVBE Policy 2422.8 – Medication Administration and instances of prescription drug abuse.
- D. **Possession and/or Use of Dangerous Weapon.** According to WV Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in WV Code §61-7-2, on any school bus, on school property or at any school-sponsored function as defined in WV Code §61-7-11a. As defined in WV Code §61-7-2, a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

Level IV Behaviors are Used in the Identification
and Classification of Persistently Dangerous Schools

As required by 20USC7912 Title IX, Part E, Section 9532 (No Child Left Behind), the following criteria is set forth to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated inappropriate behaviors will be collected using the WVEIS in order to identify and classify a school as persistently dangerous. **A West Virginia public school will be classified as a Persistently Dangerous School on or before August 1 of each year if the school has, for two consecutive years, substantiated Level 4 behaviors that exceed five percent (5%) of the total number of students enrolled in the school based on the school’s second month enrollment:**

- Battery on a school employee as defined in WV Code §61-2-15.
- Commission of an act that would constitute a felony under the laws of the state on the premises of an educational facility, at a school sponsored function or on a school bus.
- Possession of a firearm or deadly weapon as defined in WV Code §61-7-2 on the premises of an educational facility, at a school sponsored function or on a school bus.
- 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.

Boone County Schools Requirements Related to Persistently Dangerous Schools:

- Provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3% of the total number of students enrolled in the school, based on the school's second month enrollment;
- Develop a corrective action plan for any school identified as persistently dangerous, submit it to the WVDE, and implement the plan in a timely manner; and
- Conduct a timely notification process to inform parents of each student attending a school identified as persistently dangerous of this; provide the opportunity for students to transfer to a safe public school within the county school district; and complete the transfer process for all students wishing to transfer.

WVDE Requirements Related to Persistently Dangerous Schools:

- Provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level 4 behaviors that exceed 3.75% of the total number of students enrolled in the school, based on the school's second month enrollment.

A student attending a school identified as persistently dangerous 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 Boone County Schools.

Interventions and Consequences for Level 4 Behaviors are discussed in detail in Chapter 6 of this policy.

Section 3. Use of Physical Punishment Prohibited

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

- hitting or striking a student on their physical person;
- requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities);
- use of noxious stimuli (e.g. pepper spray), denial of food or water or other negative physical actions to control behavior; and

- seclusion - a removal in which a student is left unsupervised in a dark area or in any space as an intervention or consequence to inappropriate behavior.

Section 4. Use of Restraint

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

Definitions:

Restraint - the use of physical force to significantly restrict the free movement of all or a portion of a student's body.

Emergency - a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.

A school employee and/or independent contractor may use restraint in an emergency as defined above with the following limitations:

- Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency. Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
- Restraint shall be discontinued at the point at which the emergency no longer exists.
- Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- Restraint shall not deprive the student of basic human necessities.
- Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; however, the application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

School employees and/or independent contractors who, as determined by the principal, may need to use restraint shall be provided training according to the following requirements:

- A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint;
- Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 days following the use of restraint if the principal determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur;
- Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint;
- All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports;

Comprehensive documentation and immediate notification on use of restraint is required. In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements:

Time Requirement	Documentation/Notification
Immediately following the use of restraint (within one hour)	The principal or designee must be provided verbal and written notification that restraint was used on a given student with a description of the restraint process used.
Same day	A good faith effort shall be made to verbally notify the parents/guardian regarding the use of restraint.
Within one school day	Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian.
Within one school day	Written documentation regarding the use of restraint must be placed in the student's official school record. The information must be available to determine the relationship of a student's behavior as it impacts the student's learning and/or the creation or revision of a behavior intervention plan.

Written notification to the parents/guardian and documentation to the student official school record shall include the following:

- Name of the student;
- Name of the staff member(s) administering the restraint;
- Date of the restraint and the time the restraint began and ended;
- Location of the restraint;
- Narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
- Documentation of all parental contact and notification efforts.

Section 5. Alternative Education for Disruptive Students

Boone County Schools Alternative Education Policy and Procedures

PURPOSE

Boone County Schools shall provide an alternative education program which is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose disruptive behavior places them at risk of not succeeding in the traditional school structures and in adult life without positive interventions.

ALTERNATIVE PROGRAMS

Alternative education programs for disruptive students encompass a range of program options which include, but are not limited to, options such as:

- in-school suspension;
- a separate part-time or full-time alternative education classroom;
- an alternative learning center located on an alternative site;
- homebound services; or
- an afterschool program.

PROCEDURAL RESPONSIBILITY

Referral Process: It is the responsibility of school staff members to refer students who need additional assistance to the Student Assistance Team (SAT). The SAT shall provide the opportunity for parents to participate in the meeting in which an alternative education placement is considered. It will be the responsibility of the SAT to submit referrals to the Alternative Learning Center Team for consideration of any placements located off of the school premises. One of the interventions which may be considered for students enrolled in a junior high school, middle school, or high school is a recommended placement at the Alternative Learning Center.

When a student commits an act which is in violation of West Virginia Code §18A-5-1a, the school administrator shall complete the required referral to the superintendent for his/her review and subsequent referral to the Boone County Board of Education for expulsion. If the student committing the violation in question is a student with exceptionalities, a manifestation hearing shall be conducted prior to any action taken by the board.

In addition to placement in the Alternative Learning Center per expulsion by the board, students may be placed in the Alternative Learning Center for: (1) repeated violations of the county's student code of conduct following documented multiple behavioral interventions by the Student Assistance Team at the referring school and (2) continuation of educational services during periods of suspension.

Instructional Program: When a student is placed in the Alternative Learning Center, the SAT, Alternative Learning Center staff, and superintendent designee shall be responsible for developing the student's written plan which includes academic courses and behavioral components, criteria for re-entry to the regular school program and provisions for periodic review of the student's progress on an established schedule. When a student with exceptionalities is placed in the Alternative Learning Center, the IEP team shall be responsible for collaborating with the Alternative Learning Center staff and superintendent's designee to develop the student's written plan per IEP guidelines.

The instructional program for alternative education students shall adhere to the following standards: (1) instructional activities shall be consistent with the written curriculum and appropriate for the student's grade level placement as per the West Virginia Board of Education Content Standards and Objectives, (2) instructional materials shall be age appropriate as well as

functionally appropriate, (3) the program shall provide for individualized instruction and accommodate the entry and exit of students, (4) curricular and instructional practices shall reflect high expectations for students, (5) the instructional program shall be delivered in a climate conducive to learning, and (6) sufficient instructional materials, supplies, and equipment shall be available to deliver the instructional program. Additionally, students shall receive support such as counseling services and other services as indicated in the student's written plan.

Students enrolled in the Alternative Learning Center shall participate in the State Assessment Program, in accordance with the State Board of Education Policy 2340. The test scores for these students shall be counted in the results of the referring school.

Units of Credit: The school system shall grant units of credit for work satisfactorily completed in an alternative education program. Units of credit based upon mastery of performance criteria may be granted as an alternative to the standard units of credit.

Program Completion: Students may complete an alternative education program in one of the following ways: (1) fulfillment of the criteria for re-entry into the regular school program or (2) completion of regular graduation requirements and the awarding of a regular high school diploma from the student's home school.

Class Size Limit: The pupil – teacher ratio for the Alternative Learning Center shall be limited to 10 to 1. In the event that the number of students assigned to the Alternative Learning Center exceeds 10, the Boone County Board of Education shall take action necessary to meet the established pupil – teacher ratio.

Accountability for Results: Boone County Schools, with regard to alternative education programs will conduct an annual evaluation of the effectiveness of the program(s). The evaluation of the effectiveness of alternative education programs focuses on the impact of the program on student performance and results using indicators such as: academic gains; reduction in dropout rates; reduction in incidences requiring disciplinary action; improvement in attendance rates; rates of successful program completion and return to the regular school program; rates of successful completion of vocational training programs; rates of successful completion of high school graduation or attainment of a GED; and rates of successful job placement and job retention.

The WVDE will review compliance with alternative education requirements and the effectiveness of alternative education programs through monitoring and review of the electronic County Strategic Plan. The alternative education program will be evaluated on the basis of its stated goals and the compliance of provisions specified in WV Policy 4373.

Section 6. Collaboration with Law Enforcement

Police have the responsibility to enforce laws in order to protect all citizens. Police can enter schools if they suspect a crime has been committed, if they have a warrant for an arrest or search, or if their assistance has been requested by school officials. It is the duty of the school officials,

teachers, and students to cooperate with the police and each other to ensure that the rights of all involved persons are respected.

Prevention Resource Officers (PRO): PRO Officers are certified police officers, working as full time officers who have been assigned to work full time within a public school during the school year. The PRO Officer's duties, salary and other conditions should be determined through an agreement with the Boone County Board of Education and the PRO Officer's authorized police department. The principal is the PRO Officer's immediate supervisor while the officer is present in the school. There may be a time when, during the course a PRO Officer's duties, the officer's position as a law enforcement officer would take precedence.

Police Conducting an Investigation in the School: During a criminal investigation, if a student is to be questioned by the police, or by school officials in the presence of the police, the school administration should cooperate with the police and help to ensure that the privacy of the student is protected. The police officer is responsible to ensure that the student's constitutional rights are not violated. The police officer is responsible for determining if the student's parents or guardian, or lawyer should be contacted prior to questioning. WV Code §49-5-2 specifies that statements made by a student under the age of fourteen, while being questioned by law enforcement officials, cannot be used in a court proceeding unless his or her lawyer is present; such statements made by students who are fourteen or fifteen years old cannot be used in a court proceeding unless their lawyer is present or a parent is present and the parent has been informed of the student's rights. The police officer shall determine when the use of restraints is necessary during such questioning to control an unruly student to prevent the student from harming him/herself or others.

Chapter 5: PROCEDURES FOR ADDRESSING ALLEGATIONS OF INAPPROPRIATE BEHAVIORS

Section 1. Procedures for Reporting Complaints of Inappropriate Behavior

All school employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by school staff, the behavior shall be addressed consistently in accordance with the Interventions and Consequences outlined in Chapter 4 and with the school implementation plan. However, incidents of inappropriate behavior do not always occur in the presence of school employees and are reported to school authorities after the behavior has occurred.

Any person who believes he or she has been the victim of religious/ethnic, racial or sexual harassment, violence or bullying by a student, teacher, administrator or other school personnel of the board of education, or any person with knowledge or belief of conduct which may constitute religious/ethnic, racial or sexual harassment, violence or bullying toward a student, teacher, administrator or other school personnel has the following identified mechanism to report the alleged acts immediately.

The building principal is the person responsible for receiving oral or written reports of racial, sexual or religious/ethnic harassment, violence or bullying at the building level. In other school facilities that do not have a principal, the Superintendent shall designate a responsible person. Upon receipt of a report of misconduct, the principal or responsible person shall either initiate or direct an investigation of the complaint.

- Teachers and other school staff, who witness acts of inappropriate behavior, as specified in Chapter 4, shall promptly notify the building principal or designee of the event observed, and shall promptly file a written incident report concerning the events witnessed.
- Teachers and other school staff who receive student or parent reports of suspected violations of Policy 4373 shall promptly notify the building principal or designee of such report(s). If the report is a written complaint, such written complaint shall be forwarded promptly (no later than the next school day) to the building principal or designee. If the report is an oral complaint by a student that is received by a teacher or other professional employee, s/he shall prepare a written report of the oral complaint which shall be promptly forwarded (no later than the next school day) to the building principal or designee.
- The written report should include the specific nature of the offense (e.g., the person(s) involved, number of times and places of the alleged misconduct, the target of the misconduct and the names of any potential witnesses). If the person filing the complaint is an adult, s/he must sign the charge affirming its accuracy to the best of his/her

knowledge. If the person filing the complaint is a minor, s/he may either sign the written complaint or affirm the accuracy of the allegations.

Boone County Schools assures that any person who believes he or she has been the victim of an inappropriate behavior as outlined in Chapter 4 or any person with knowledge or belief of conduct which may constitute a violation of Policy 4373 has an identified mechanism to report the alleged acts immediately to the appropriate official(s). Nothing in this policy shall prevent any person from reporting violations directly to the county superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency. 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.

- Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under WV Code §49-6-1 et seq. In such situations, the county board of education shall comply with the provisions of law for reporting such abuse.

Section 2. Procedures for Investigating Allegations of Inappropriate Behavior

The building principal or designee shall have the responsibility for conducting investigations concerning claims of inappropriate behavior. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

The principal or his/her designee, Boone County Schools official or other qualified assigned investigator shall promptly investigate the facts alleged in the complaint. All findings related to the complaint will be reported in writing. The principal or his/her designee or school system official conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded that appropriate discipline has been imposed and/or remedial action taken but shall not provide personally identifiable information about any students other than the child of the parents to whom the notice is sent.

- 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 3 or a Level 4 inappropriate behavior, 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 2 and discretionary at Level 1.

- The principal shall:
 - Determine whether the alleged conduct constitutes a violation of this policy.
 - 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.
 - Assure that the investigation will be completed as soon as practicable but no later than ten school days following the reported violation.

- Consequences for the failure of an employee to appropriately respond to violations Policy 4373, are specified in WVBE Policy 5310 - Performance Evaluation of School Personnel.

Upon completion of the investigation:

- A report shall be provided to the principal which includes a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
- The report shall be recorded in the electronic student database.
- The conclusion 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 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.

Section 3. Procedures to Prevent Reprisal

Retaliation against any person, who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of inappropriate behavior is prohibited. Such retaliation shall be considered a serious violation of Boone County Board of Education policy and independent of whether a complaint is substantiated. The filing of false charges shall likewise be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. For students, filing of false charges shall constitute a Level 2 or 3 offense of the Student Code of Conduct. For school employees, filing of false charges shall constitute a violation of the Employee Code of Conduct and may subject the employee to disciplinary action.

Chapter 6: PROCEDURES FOR TAKING ACTION ON SUBSTANTIATED INAPPROPRIATE BEHAVIORS

Section 1. Interventions and Consequences of Inappropriate Behavior

It is the intent of the Boone County Board of Education for schools to be pro-active and preventive in their approach to student behavior. It is also the Board's intent that inappropriate behavior be addressed with meaningful interventions and consequences that strive to improve future behavior. Therefore, it is the Board's belief that school administrators and staff shall exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator for Level 1, Level 2, and Level 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy.

In determining the appropriate intervention and/or consequence in response to a substantiated Level 1, Level 2, or Level 3 inappropriate behavior, the principal, superintendent and/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.

Discipline and Other Actions

In determining the appropriate response and/or punishment, the appropriate school official shall consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incident occurred.

- A. Upon receipt of a finding that the complaint is substantiated, the appropriate school official shall take action appropriate to the status of the offender (student, staff or public guest). Such action for students may include all options listed in Policy 4373. Actions for staff may include but not be limited to warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited

to removal from school property and school sponsored functions, notification of law enforcement and/or human services.

- B. The appropriate school official shall also initiate such other action as is appropriate to ease tensions and affirm the values of respect and understanding in accordance with this policy.
- C. The Superintendent shall immediately file a report with the West Virginia Department of Education of all reports of harassment or violence when an investigation shows that harassment or violence did occur and all actions taken in response to the incident.

Nothing in this policy shall prohibit contacting law enforcement or other personnel, including the Human Rights Commission, regarding the actions of any party subject to a complaint.

Section 2. Guidelines for Specific Responses to Inappropriate Behavior

Exclusion: According to WV Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who displays one or more of the inappropriate behaviors outlined in Chapter 4, Section 2, Level 1, Level 2, Level 3 or Level 4. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s). When a student is excluded from a classroom or a school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting.

Bus drivers must follow the guidelines outlined in WVBE Policy 4336 – West Virginia School Bus Transportation Policy and Procedures Manual. When the bus driver excludes a student from the school bus, the driver shall notify the student and the student's principal. The principal/designee shall notify the student's parent/guardian. All students shall be transported until the parent/guardian has been properly notified of the exclusion. The principal/designee shall notify the parent/guardian when their child may resume riding the bus. If the inappropriate

behavior persists, the student may have his/her rights to transportation services suspended for the remainder of the year, to the extent feasible.

Suspension: The purpose of suspension is to protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to inappropriate behavior 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.

Suspension typically takes one of two forms:

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

A student is entitled to an informal hearing when faced with an out-of-school 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 safety of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with out-of-school suspensions are outlined in West Virginia Codes §18A-5-1 and 18A-5-1a and include:

- Parent(s)/guardian(s) must be notified promptly in all cases of suspension.
- The county superintendent of schools or designee must be notified and preferably in writing of the time and conditions pertaining to the suspension.
- A student that is suspended from school may not participate in any school-sponsored activities, and is not permitted on school grounds during the period of suspension.
- A student may not be suspended from school solely for not attending class.

An out-of-school suspension of more than ten (10) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with

suspensions of more than ten (10) days are outlined in West Virginia Codes §18A-5-1 and 18A-5-1a and include:

- Parent(s)/guardian(s) must be informed in writing of the charges against their child, including a summary of the evidence upon which the charges are based.
- Upon the student's/parent/guardian's request, a formal hearing must be scheduled before the county board of education.
- Students are entitled to be represented or advised during the proceedings by a person or persons of their choosing, including legal counsel.
- Students are entitled to be given reasonable time to prepare for the hearing.

Expulsion: The county superintendent, upon recommendation by the principal, may recommend that the Boone 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 Boone County Board of Education agrees to act upon recommendations to expel a student from school. These procedures are outlined in West Virginia Codes §18A-5-1 and §18A-5-1.

West Virginia Codes §18A-5-1 and §18A-5-1a requires mandatory out-of-school 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 include:

- The student and parent(s)/guardian(s) must be given a written statement of the specific charges against the student.
- The county board of education must hold a hearing regarding the recommended expulsion.
- The student and parent(s)/guardian(s) must be given a written notice of the time and place of the board of education hearing at which the expulsion will be considered. This notice must be given far enough in advance for the student to have time to prepare an adequate defense against the charges.
- The student and parent(s)/guardian(s) have the right to be present at the board hearing and to defend against the charges.
- The student has the right to be represented by an attorney at the hearing at their own expense.
- The student has the right to present witnesses in their behalf, to hear the testimony of witnesses against them, and to question the witnesses against them.
- If the board of education decides that the charges against a student do not warrant his or her expulsion from school, the student may remain in school or return to school without being subjected to punishment or harassment.

- In all expulsion hearings, facts shall be found by a preponderance of the evidence.

Expulsion by the board of education is final. However, if a student or parent/guardian believes that the student was not given procedural due process, they may appeal to the State Superintendent of Schools. If the State Superintendent finds that the board's decision to expel the student was properly made, then the expulsion will stand unless overturned by a court.

Section 3. Considerations for Transferring Students with Expulsions

Students who have been suspended or expelled from a public or private school in West Virginia or another state, currently found within the county, may not be denied enrollment in the county school system unless determined to be a “dangerous student” under the procedures set forth in WV Code §18A-5-1a. Superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students (Superintendent’s Interpretation of January 26, 2007).

Section 4. Considerations for Students with Disabilities, Students not yet Determined Eligible for Special Education and Students with 504 Plans

When considering exclusion from the bus or suspension or expulsion from school or the bus for students with disabilities, students not yet determined eligible for special education (i.e. students currently engaged in the eligibility process beginning with a Student Assistance Team referral) or students with 504 plans, refer to WVBE Policy 2419 - Regulations for the Education of Students with Exceptionalities, Chapter 7 for specific guidelines related to protections which may be warranted for these students.

Section 5. Procedures for Reporting Action on Substantiated Incidents

It is essential that schools accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns. The WVEIS provides schools with the platform to report all incidents of inappropriate behavior at the classroom level and above. The primary value of this data rests at the school and county level and is necessary for development and monitoring of Policy 4373 implementation plans. Therefore, all inappropriate behaviors as described in Chapter 4, Section 2, Level 1, Level 2, Level 3 or Level 4 shall be reported through:

- **Teacher level documentation** – shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal.

- **Principal level WVEIS data entry** – shall include all teacher level documentation as well as additional entry for administrative disciplinary actions. This data shall be entered into WVEIS by the principal and/or other authorized staff.
- **Superintendent level WVEIS data entry** – shall include county board actions resulting from expulsion hearings. This data shall be entered into WVEIS by the superintendent and/or other authorized staff.

Incidents of inappropriate behaviors reported into WVEIS in accordance with this policy will be used by the WVDE to comply with federal and state reporting requirements. In order to assure accuracy of data, all districts shall verify their data monthly.

Section 6. Appeals Procedures

If someone believes that the Boone County Board of Education has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in WVBE Policy 7211 - Appeals Procedure for Citizens. However, this policy does not address personal complaints against a school employee. The procedures set forth in Policy 7211 are not deemed to be a precondition to seeking relief in some other forum.

SOURCE: Boone County Board of Education

LEGAL REFERENCE: WV State Board Policy 4373

DATE APPROVED: June 19, 2012