

MERCER COUNTY SCHOOLS
Policy Comment(s) / Suggestion(s)
Policy: J-18
Expected Behavior in Safe and Supportive Schools

Individual / Organization: _____
Title: _____
Address: _____

Comment(s) / Suggestion(s)
Please write your comments below in the sections that apply to the policy.
Use additional paper if necessary.

1.0 Purpose	Agree (reason)	Disagree (reason)
This policy is being changed to update policy, to clarify language and to make grammatical changes.		

2.0 Definitions	Agree (reason)	Disagree (reason)

3.0 Procedures	Agree (reason)	Disagree (reason)

General Comments	Agree (reason)	Disagree (reason)

Return comments **NO LATER THAN January 24, 2021** to:
 Dr. Kristal Filipek - Director, Human Resources
 Mercer County Schools
 1403 Honaker Avenue
 Princeton, WV 24740

EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS

1.0 Purpose

The Mercer County Board of Education recognizes the need for students, teachers, administrators and other school personnel to have a nurturing, orderly, safe and stimulating educational environment. The purpose of these regulations is to provide schools with a policy that includes Expected Behaviors 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 all 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. Each school, with support from the Board of Education, will implement proactive, preventive, and responsive programs; outline investigatory and reporting procedures; and delineate meaningful interventions and consequences in response to inappropriate behavior.

Public schools must create, encourage, and maintain a safe, drug-free, and fear-free environment in the classroom, on the playground, and in all places and activities which are a direct or indirect activity of the school system such as school buses, field trips, and any school-sponsored or related event on or off campus. To establish such an environment requires a comprehensive program supported by everyone in the school organization, as well as parents/guardians, and the community. All students at each grade level will be instructed and educated regarding the students' responsibilities and expectations to establish such an environment. Important education components for students will consist of raising awareness of the different types of Expected Behavior Policy violations, how they are manifested, their devastating emotional and educational consequences and their potential legal implications. Any form of harassment, intimidation, bullying, substance abuse, violence, or any other policy violation is unacceptable.

Mercer County Schools, in compliance with state mandate, will establish four levels of Expected Student Behavior Violations and progressively intense interventions and severe consequences for each level. Each school shall identify the individual who will receive complaints of violations. Specifically established procedures are to be followed when any staff member observes any of the violations. Staff members are required (in accordance with the WVDE Professional Code of Conduct and Mercer County Policy G-24, "Employee Code of Conduct") to report observances of violations. Schools, in accordance with developed guidelines, will reclassify specific Student Behavior Violations one classification higher (excluding Level IV) based upon the repetition by a student.

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

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in school and engaged in instruction. Subsequently, all interventions and consequences are in effect on all school property and at all sanctioned events, including extracurricular activities.

This policy does not supersede any rights granted to special education students by the federal provisions of the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446), or with West Virginia Board of Education Policy 2419, *Regulations for the Education of Students with Exceptionalities* and the West Virginia Procedures Manual for the Education of Students with Exceptionalities. When administering interventions and consequences, it is required to determine if a student warrants protection under the IDEA, WVDE Policy 2419 and/or Section 504.

- 1.1 **Governing Principles of the Expected Behavior in Safe and Supportive Schools** – (1) All students enrolled in a Mercer County public school shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning and personal-social development. (2) Students will help create an atmosphere free from bullying, intimidation, harassment and violence. (3) Students will demonstrate honesty and trustworthiness. (4) Students will treat others with respect, deal peacefully with anger, use good manners, and be considerate of the feelings of others. (5) Students will demonstrate responsibility, use self-control, and be self-disciplined. (6) Students will demonstrate fairness, play by the rules, and will not take advantage of others. (7) Students will demonstrate compassion and caring. (8) Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and cooperating with others. (9) Students will refrain from carrying book bags, backpacks, duffel bags, or any other large bag throughout the school building. (All such containers shall be kept in the student's locker, or in the absence of a locker, the designated location for storage of such items during the instructional day).

2.0 Definitions

- 2.1 Adult student - a person over the age of twenty-one (21) years who has not been a regular student in the public school system continuously since his/her sixteenth (16) birthday.
- 2.2 Alcohol - any intoxicating liquid that contains alcohol.
- 2.3 Alternative Learning Center - School day program for eligible students in grades 6-8.
- 2.4 Controlled Substances are regulated by federal law. A list of controlled substances is demonstrated as Schedule I through V in Section 202 of the Controlled Substance Act (21 U.S.C. 812) and West Virginia Code 60A-2-201. Et. Seq., (which may be amended as new substances are discovered).

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- 2.5 County Alternative Education Committee - County-based committee comprised of a minimum of three members of County Safe Schools Committee, one principal or designee, one parent and Coordinator of Pupil Services.
- 2.6 Credit Recovery - After school or school day program which provides high school students an opportunity to retake classes that were previously taken but for which the student did not earn course credit and/or take classes that afford students an opportunity to graduate with their graduation cohort.
- 2.7 Dangerous Student - A student who is likely to cause serious bodily injury to himself, herself, or another individual within the student's educational environment (which may include any alternative education environment for disruptive students) as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense. A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education pursuant to the conditions but, must re-evaluate this decision at least every three months.
- 2.8 Dangerous Weapon - 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 a 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.
- 2.9 Deadly Weapon - an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to, the instruments of kind or character which may be easily concealed on or about the person. In addition to the definition of "knife" the term "deadly weapon" shall include, but shall not be limited to, the following instruments as defined in (1) through (8), inclusive, of these definitions or other deadly weapons of like kind or character which may be easily concealed on or about the person:
- (1) "Blackjack" means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term

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- “blackjack” shall include, but not be limited to, a billy, billy club, sand club, sandbag or slapjack.
- (2) “Gravity knife” means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
 - (3) “Knife” means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. The term “knife” shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, 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 herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
 - (4) “Switchblade knife” means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
 - (5) “Nunchuku” means a flailing instrument consisting of two or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one rigid part may be used as a handle and the other rigid part may be used as the striking end.
 - (6) “Metallic or false knuckles” means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms “metallic or false knuckles” shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
 - (7) “Pistol” means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
 - (8) “Revolver” means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

The term “deadly weapon” also includes any instrument included within the definition of “knife” with a blade of three and one-half inches or less in length. Additionally, the term “deadly weapon” includes explosive, chemical, biological and radiological materials.

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Notwithstanding any other provision of this section, the term “deadly weapon” does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

- 2.10 Distribution - the sale, giving, transfer, delivery, trade, or exchange in any manner of any drug.
- 2.11 Drug - any substance with mind-altering actions that acts on the central nervous system, and refers to the use or possession of all such substances including, but not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any other of those substances commonly referred to as “designer drugs.”
- 2.12 Drug screen - a scientifically substantiated method of testing for the presence of illegal or prohibited drugs or the metabolites thereof in a person’s urine.
- 2.13 Emergency - a situation in which a student’s behavior poses a threat of imminent, serious physical harm to the student or others, or threatens serious property destruction.
- 2.14 Illegal Drug - any drug which is legally obtained and/or is being used by a person other than the person for whom it was prescribed.
- 2.15 Legal Drug - any prescribed drug and/or over-the-counter drug which has been legally obtained and is being used solely for the purpose for which it was intended by the manufacturer.
- 2.16 Medication - any drug used as medical treatment for a therapeutic effect.
- 2.17 Mind-Altering Chemicals - Substances are considered mind-altering when they are used in a manner that impairs one’s mental faculties and/or physical performance. (Ex. Substances such as liquid paper or Pam cooking sprays that are inhaled or huffed.)
- 2.18 Narcotic Drug - “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, immediate derivative or preparation of opium or opiate; (2) Any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in

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policy, but not including the isoquinoline alkaloids of opium. (3) Opium poppy and poppy straw.

- 2.19 Nonprescription Drugs or Over-the-Counter (OTC) Drugs - those that may be purchased without a prescription. They are prohibited when used in a manner other than that recommended by the manufacturer.
- 2.20 Non-Traditional Alternative Education Program - School day, evening or weekend placement site for students enrolled in a program that is an authorized departure from the regular school program. These programs are 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 adult life.
- 2.21 Option Pathway - An alternative program for high school students who meet requirements noted in Policy I-56.
- 2.22 Paraphernalia - any item, thing, or device as defined by WV Code Section 47-19-3.
- 2.23 Possession - the presence of a drug on a person (in any amount) in or on any item belonging under the general control or responsibility of the student (including school lockers) or owned by the student when such presence of the illicit drug or alcohol is observed, discovered or otherwise determined by school staff or law enforcement officials.
- 2.24 Prescription Drugs - any drugs ordered by a legally authorized health care provider. They are prohibited when used in a manner other than how they are prescribed or are used by a person other than the person for whom they are prescribed.
- 2.25 Public - Any person accessing Board property or programs.
- 2.26 Pupil or student - any child, youth or adult who is enrolled in any PreK-12 instructional program or activity conducted under board authorization and within the facilities of, or in connection with, any program under public school direction.
- 2.27 Restraint - a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student, others, or threatens serious property destruction.
- 2.28 School - A school building, school ground, and other school property including automobile or other vehicle owned or operated by the Mercer County Board of

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Education, RESA, the West Virginia Department of Education or the State Board of Education.

- 2.29 School/Community Service - Optional service to school in lieu of suspension and served outside the school day. (e.g., cleaning or painting interior or exterior of school, etc.)
- 2.30 Second Chance - Program for eligible dropouts who have reached age 18 or senior status and wish to earn their diploma.
- 2.31 School Personnel - Any person employed full/part time or on contract with any West Virginia county board of education, RESA, State Department of Education or State Board of Education.
- 2.32 Student Assistance Team - School-based committee comprised of school administrator, classroom teacher(s), and other educator(s) who may have knowledge of the student.
- 2.33 Teacher - all professional educators as defined in Section One, Article One of Chapter Eighteen of the Code of West Virginia and shall include the driver of a school bus or other mode of transportation.
- 2.34 Tobacco and Tobacco Products - Cigarettes, cigars, other implements of any type or nature designed (including nicotine containing electronic cigarettes, and/or vaping device), used, or employed for smoking tobacco or tobacco products and in chewing tobacco, rubbing snuff, other smokeless tobacco products, or for vaping nicotine containing vapor.
- 2.35 Tobacco Education Program - Three-hour tobacco education class offered outside the school day.
- 2.36 Traditional School Environment - Regular, special and/or technical education settings that serve as the school day placement site for students.
- 2.37 Use - the ingestion, injection, absorption, or inhalation of said substance or being under the influence of said substance.

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3.0 Procedures

- 3.1 **Student Rights and Responsibilities** - Rights and responsibilities go hand in hand. Students in West Virginia 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 his/her 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.

- 3.2 **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 (17) birthday; or until their graduation. A student who has not graduated may attend school until he/she is twenty-one (21). (WVDE Procedural Safeguards will govern the rights of students with exceptionalities).

Public schooling is tuition-free for all students. School systems, however, may charge tuition for summer school and before/after-school programs, if offered; 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, such as textbooks, paper, writing implements, and computers, if their use is part of the curriculum, must be provided free of charge to all students. Students may be required to purchase their own equipment, such as instruments and costumes, for performance-based classes, such as band, choir, dance, and theatre; however, students shall not be denied participation in a class because their parents/guardians cannot afford equipment. Schools have contingency plans to accommodate students and families who do not have the financial means to make these purchases.

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- 3.3 **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 Mercer County's School Attendance Policy (J-10).

Students are entitled to exercise appropriate speech while at school. Freedom of speech includes forms of expression other than vocal, provided this activity does not materially and substantially disrupt the work and discipline of the school or impinge upon the rights of other students. Vulgar or offensive speech is not acceptable and is 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 is prohibited and is cause for disciplinary action. 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; therefore, student speech may be regulated in a manner reasonably related to educational purposes.

- 3.4 **Non-Curricular 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 hosts 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.
- 3.5 **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 such as football, basketball, track, wrestling; cheerleading; student government or class officers in grades

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six-twelve (6-12). Eligibility is determined for each semester by a student's grade point average for the previous semester.

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.

- 3.6 **Privacy** - Students have certain privacy rights regarding school records. To ensure this privacy, WVDE 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 unless the school has been provided documentation that those rights have been revoked. 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 eighteen years of age or older, 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 parents or guardians 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 parents or guardians 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 parents or guardians 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.

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- 3.7 **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. School personnel have more latitude than police officers in this regard because they do not need search warrants. However, search and seizures of lockers or students by school officials must still be reasonable and 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 county 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 security personnel acting under the supervision of school officials who are investigating school related misconduct.

- 3.8 **Child Abuse Prevention -** Students have the right to grow up without being physically or sexually abused at school, in the home, or in 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 comply with mandatory reporting procedures.

- 3.9 **Inappropriate Behaviors: Codes, Definitions, Interventions and Consequences -** Students who do not behave in a manner that promotes a nurturing, orderly, safe environment conducive to learning will be subject to the responses to violations as outlined in this policy.

The intervention out-of-school suspension should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain his/her academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level I behaviors; however, the determination of intervention and consequences is at the discretion of the school administrator for Level I, Level II, and Level III. WV Code requires that the principal shall suspend a student who commits a behavior classified at Level IV in this policy. Level III and Level IV behaviors are to be

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Replaces G-08, J-15, K-01, I-08,
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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.

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BEHAVIOR-LEVEL I	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Minimally disruptive behaviors disrupt the educational process and the orderly operations of the school but do not pose a direct danger to self or others.		
Cheating/Academic Misconduct	A student will not plagiarize, cheat, gain unauthorized access to, or tamper with electronic materials. The response to this violation will include academic sanctions in addition to other discipline.	Administrator/student conference or reprimand
Deceit	A student will not deliberately conceal or mispresent the truth, deceive another, or cause another to be deceived by false or misleading information.	Administrator and teacher-parent/guardian conference
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.	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
Failure to Serve Detention	A student will not fail to serve an assigned detention of which students and/or parents/guardians have been notified.	Daily/weekly progress reports
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.	Behavioral contracts
Inappropriate Displays of Affection	Students will not engage in inappropriate displays of affection or actions of an intimate nature.	Change in the student's class schedule
Inappropriate Appearance	See Mercer County Schools Policy J-16, Inappropriate Dress and Grooming.	School service assignment
Inappropriate Language/Conduct	A student will not orally, in writing, electronically, or with photographs or drawings, use profanity or insulting, obscene gestures.	Confiscation of inappropriate item
Possession of Inappropriate Personal Property	A student will not possess or use personal property that is prohibited by school rules or that is disruptive to teaching and learning, including, but not limited to, personal cellular phones, portable music players, Personal Digital Assistants (PDAs), or other portable communication devices. Students <i>may</i> house a cellular phone or other portable communication device on school property, including school buses, <i>provided</i> that (1) they submit to the principal the required permission form signed by both the student and his legal parent/guardian; and (2) that the device remains turned off during the instructional day (including lunch) and remains in the student's car, locker, or other storage place as directed by the principal. If a student uses or possesses such a device other than as permitted in this policy (in addition to other Level I disciplinary sanctions that may be imposed) the device will be confiscated from the student and returned only to the student's parents.	Revocation of privileges Restitution/restoration Detention (lunch, before and/or after school) Denial of participation in class and/or school activities Referral to S.A.T. Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion.
Skipping	In accordance with West Virginia Board of Education Policy 4110 (Attendance Policy) a student will not fail to report to the school's assigned class or activity without prior permission, knowledge, or excuse by the school administration or by the parent/guardian.	Voluntary weekend detention
School Bus Conduct Violations	Students are expected to conduct themselves in an appropriate manner so that the	In-school suspension

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BEHAVIOR-LEVEL I	DESCRIPTION	INTERVENTION AND CONSEQUENCES
	safety of all bus occupants is not compromised	
Tardiness	Failure of a student to be in his/her assigned place at the assigned time, with a valid excuse.	The use of suspension solely for not attending class is prohibited
Unruly Physical Contact	A student will not engage in unruly physical contact such as shoving, slapping, kicking, and/or striking another student.	Out-of-school suspension with a recommended maximum of three (3) days
Vehicle Parking Violation	A student will not engage in improper parking of a motor vehicle on school property.	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.

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BEHAVIOR-LEVEL II	DESCRIPTION	INTERVENTION AND CONSEQUENCES
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.		
Bullying, Harassment, Intimidation	A student will not bully/intimidate/harass another student. Harassment, intimidation or bullying means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that: (a) A reasonable person under the circumstances should know 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; (b) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotional abusive education environment for a student; (c) Disrupts or interferes with the orderly operation of the school; (d) 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.	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
Defacing School Property	A student will not willfully cause defacement or damage to property of Mercer County Schools or others.	Confiscation of inappropriate item
Discriminatory Behavior based on Race, Religion, Ethnicity, or Gender	Mercer County Schools establishes a zero tolerance for discriminatory student behavior based upon race, religion, ethnicity, or gender. A student will not orally, physically, in writing, electronically, or with photographs, drawings, or the wearing of articles of clothing engage in insulting, provoking, or aggressive behavior towards another student because of, or directly related to, race, religion, ethnicity or gender. Whether in formal or informal/social interactions, a student will not use words that can be construed as derogatory, offensive, or discriminatory.	Revocation of privileges Restitution/restoration Before and/or after-school detention Denial of participation in class and/or school activities
Gang Activity	A student will not, by use of violence, force, and coercion, threat of violence, or gang activity, cause disruption to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school's mission. Gang activity includes the following: (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) Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. (c) Recruiting student(s) for gangs.3-23 (d) Using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang.	Referral to S.A.T. Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion. Voluntary weekend detention In-school suspension Out-of-school suspension with a recommended maximum of five (5) days. The use of suspension solely for not attending class is prohibited

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Replaces G-08, J-15, K-01, I-08,
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EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS

BEHAVIOR-LEVEL II	DESCRIPTION	INTERVENTION AND CONSEQUENCES
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.		
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.	The principal and/or superintendent may recommend placement in an Alternative Education program 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.
Insubordination/Unruly Conduct	A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test, or do any other class/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 insubordinate/unruly conduct.	
Leaving School without Permission	A student will not leave the school building, campus, or school activity for which the student is enrolled without permission from authorized school personnel.	
Loitering	A student will not remain or linger on school property without a legitimate purpose and/or proper authority.	
Physical Altercation	A student will not participate in a physical altercation with another person while under the authority of school personnel at school or at a school sponsored event.	
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.	
Possession of Knife not meeting Dangerous Weapon Definition	A student will not possess a knife or knife-like implement. A pocket knife with a blade 3 ½ 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.	
Profane Language/Obscene Gesture/Indecent Act toward a Student or Employee	A student will not direct profane language, obscene gestures or indecent acts towards a fellow student or school employee. This inappropriate behavior includes, but is not limited to, verbal, written, electronic, and/or illustrative communications intended to offend and/or humiliate.	
Technology Misuse.	A student will not violate the terms of WVBE Policy 2460, Safety and Acceptable Use of the Internet by Students and Educators.	
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.	

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EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS

BEHAVIOR-LEVEL III	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Imminently dangerous, illegal and/or aggressive behaviors are willfully committed and are known to be illegal and/or harmful to people and/or property.		
Battery Against a Student	A student will not unlawfully and intentionally injure another student.	<p>Level III Behaviors are in most instances criminal offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons; the filing of a delinquency petition; referral to a probation officer; or actual arrest. Consequences at Level III should promote and support appropriate behavior changes. These consequences include, but are not limited to the following:</p> <p>Administrator/student conference or reprimand</p> <p>Administrator and teacher-parent/guardian conference</p> <p>Referral to support staff or agencies for counseling or other therapeutic services</p> <p>Notification of appropriate Health and Human Resources</p> <p>Daily/weekly progress reports</p> <p>Behavioral contracts</p> <p>Change in the student's class schedule</p> <p>School service assignment</p> <p>Confiscation of inappropriate item(s)</p> <p>Revocation of privileges</p> <p>Restitution/restoration</p> <p>Before and/or after-school detention</p> <p>Denial of participation in class and/or school activities</p> <p>Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion.</p>
Conduct Detrimental to the Safe and Orderly Operation of the School	A student will not conduct himself/herself in a manner that is deemed so severe that is detrimental to the safe and orderly operation of the school.	
False Fire Alarm	A student will not knowingly and willingly set off a fire alarm without cause.	
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.	
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.	
Habitual Violations of School Rules or Policies	A student will not habitually violate school rules or policies.	
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 or to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in any activity or organization, including both co-curricular and extra-curricular activities.	
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.	
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.	
Racial harassment	Consists of physical, verbal, or written conduct relating to an individual's race when the conduct does the following: (a) Has the purpose or effect of creating an intimidating, hostile or offensive academic environment; (b) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or (c) Otherwise adversely affects an individual's academic opportunities.	
Racial violence	A physical act of aggression or assault upon another because of, or in a manner reasonably related to race	
Religious/ethnic harassment	Consists of physical, verbal, or written conduct which is related to an individual's religion or ethnic background when the conduct does the following: (a) Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment; (b) Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or	

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BEHAVIOR-LEVEL III	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Imminently dangerous, illegal and/or aggressive behaviors are willfully committed and are known to be illegal and/or harmful to people and/or property.		
	(c) Otherwise adversely affects an individual's academic opportunities.	Voluntary weekend detention
Religious/ethnic violence	A physical act of aggression or assault upon another because of, or in a manner reasonably related to religion or ethnicity.	In-school suspension
Sexual Misconduct	A student will not publicly and indecently expose himself/herself, display or transmit any 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.	Out-of-school suspension for up to ten (10) days
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 the following occurs: (1) Submission to or rejection of that conduct or communication by an individual or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's pursuit of an education; or (2) Conduct or communication creates an intimidating, hostile, or offensive educational environment. Sexual harassment may include but is not limited to the following: (a) Verbal harassment of a sexual nature or abuse; (b) Pressure for sexual activity; (c) Inappropriate or unwelcome patting, pinching, or physical contact; (d) Sexual behavior or words, including demands for sexual favors, accompanied by implied overt threats and/or promises; (e) Behavior, verbal or written words or symbols directed at an individual because of gender. <u>See Policy G-39</u>	Referral to and completion of the Substance Abuse Early Intervention Program for Mercer County, which includes cessation strategies. Failure to qualify for the early intervention program will result in the student being required to attend a Tobacco Education Program provided by the county (Tobacco Violation Only). Placement in an Alternative Education program as recommended by the principal and approved by the superintendent or designee Expulsion Police notifications
Sexual violence	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 breasts, as well as the clothing covering these areas. Sexual violence may include, but is not limited to the following: (a) Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; (b) Coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts; (c) Coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; (d) Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or (e) Threatening or forcing exposure of intimate apparel or body parts by removal of clothing <u>See Policy G-39</u>	

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EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS

BEHAVIOR-LEVEL III	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Imminently dangerous, illegal and/or aggressive behaviors are willfully committed and are known to be illegal and/or harmful to people and/or property.		
Theft/Larceny	A student will not, without the permission of the owner or custodian of the property, take property or have in his or her possession, property valued at between \$100 and \$999.	
Threat of Injury/Assault against an Employee or Student	A student will not threaten (verbal or written) or attempt to injure another student, teacher, administrator or any school personnel.	
Tobacco	A student will not unlawfully possess, use, or be under the influence of any substance containing tobacco and/or nicotine, or possess any paraphernalia (including electronic cigarettes and vaping devices), intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. Approved medication administration must be followed in order for students to use such products on school property or at school-sponsored events.	

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EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS

BEHAVIOR-LEVEL IV	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Aggressive, dangerous behaviors that are known to be illegal or harmful to people and/or property or pose a threat to the safe operation of the school.		
Battery Against a School Employee	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or a provoking nature with the person of a school employee.	Level IV Behaviors require the mandatory suspension of the student by the principal, or from transportation to or from school on any school bus, after an informal hearing. The principal, superintendent, and county board address Level IV behaviors in this policy.
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. Such acts that would constitute a felony include but are not limited to arson, bomb threat, sexual assault, terrorist act or false information about a terrorist act, hoax terrorist act, and grand larceny.	If a student has been suspended for battery on a school employee, possession of a firearm or deadly weapon, or the sale or distribution of a narcotic drug, the principal shall, within twenty-four (24) hours, request that the county superintendent recommend to the county board that the student be expelled. If a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of this state if committed by an adult; or unlawfully possessing a controlled substance governed by the Uniform Controlled Substances Act, on the premises of an educational facility, at a school-sponsored function, or on a school bus, the principal may request that the superintendent recommend to the county board that the student be expelled.
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, 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.	If a student has been suspended twice for possessing, using, or being under the influence of any of the prohibited or illegal substances identified while on the premises of an educational facility, at a school-sponsored function, or on a school bus, or does not complete the required alcohol/drug education program, the principal may request that the student be expelled. First Offense for Possession: The principal shall notify the parent/guardian of the offense and arrange a conference (hearing) to be attended by the principal or designee, the student offender, the parent/guardian, and others approved by the principal. If evidence substantiates charges, the student shall be suspended for nine (9) days. The principal shall notify the parent/guardian of his decision in writing and forward a copy of the letter to the Superintendent. The principal shall inform the student and parent/guardian that a student who repeats this infraction will be required to enroll in and attend a drug/alcohol treatment program, at the parent's/guardian's expense. The principal shall encourage the parent/guardian to schedule an interview with a substance abuse treatment agency at parental/guardian expense.
Possession and/or Use of Dangerous Weapons	A student will not possess a firearm or deadly weapon on any school bus, on school property, or at any school-sponsored function.	The principal shall notify the appropriate law enforcement agency of the infraction. Repeat Offense for Possession: The principal shall notify the parent/guardian of the offense and arrange a conference (hearing) to be attended by the principal or designee, the student offender, the parent/guardian, and others approved by the principal.

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EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS

BEHAVIOR-LEVEL IV	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Aggressive, dangerous behaviors that are known to be illegal or harmful to people and/or property or pose a threat to the safe operation of the school.		
		<p>If evidence substantiates charges, the principal shall suspend the student for ten (10) days and inform the parent/guardian that the student will be required to enroll in and attend, at the expense of the parent/guardian, an alcohol/drug education treatment program from a licensed substance abuse treatment facility. In the event the student/offender fails to complete the treatment program; the principal may recommend expulsion. Homebound Services may be provided during the treatment program if deemed appropriate. The principal shall notify the parent/guardian of his decision in writing and forward a copy of the letter to the Superintendent. The violation shall be recorded in the student's discipline record.</p> <p>Upon completion of the treatment program, the student/offender shall enter the appropriate alternative education program for the remainder of the school year.</p> <p>The principal shall notify the appropriate law enforcement agency of the infraction.</p> <p>The principal may recommend expulsion if there are any aggravating circumstances associated with the investigation of this infraction and/or the implementation of the consequences for this infraction. When there is a reasonable suspicion that a student is under the influence of or using any of the prohibited or illegal Substances, the following shall occur:</p> <p>The student shall be reported immediately to the principal of the school or his/her designee. In instances where the principal or his/her designee is not in attendance, the staff member responsible for the school activity shall be notified</p> <p>The student shall be taken immediately to the principal, his/her designee, or the staff member responsible for the school activity to determine whether or not there is reasonable suspicion that the student has used or is under the influence of a prohibited or illegal substance as described in this policy.</p> <p>If the suspected violation is alcohol related, the principal and/or designee shall determine if the evidence constitutes a violation of this policy.</p> <p>If the suspected violation is not alcohol related and occurs within the school day, the school nurse and the parent/guardian shall be contacted. The school nurse shall accompany the parent and student to the agency contracted to administer a drug screening. The collection of the sample by the contracted agency and the protocol for maintaining the chain of custody of the sample shall be conducted so as to safeguard, to the maximum degree possible, the personal and privacy rights of the student. The drug screen will test for the presence of certain substances that may include, but are not limited to, the following substances or their metabolites: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methamphetamines, opiates, oxycodone, PCP, anabolic steroids, tricyclic antidepressants, and/or any other substance defined as a "controlled substance" by either</p>

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BEHAVIOR-LEVEL IV	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Aggressive, dangerous behaviors that are known to be illegal or harmful to people and/or property or pose a threat to the safe operation of the school.		
		<p>West Virginia or federal law. If the drug screen is a non-negative, the sample will be subject to further review. If the suspected violation occurs outside of the school day, the parent/guardian shall be contacted and be required to have a drug screen performed at the contracted facility within twenty-four (24) hours of taking control of the student. A written report of the screening results shall be made available to the school administration within forty-eight (48) hours of the testing. The parent/guardian shall be responsible for the cost of all drug screens completed outside the school.</p> <p>Failure to submit to a drug-screening test will be considered a violation of the substance abuse policy, and the student will be suspended out-of-school for nine (9) consecutive school days and will be subject to all other disciplinary actions of this policy. Subsequent failures to comply may result in a hearing before the Board of Education and may result in expulsion.</p> <p>Any attempt by the student to tamper with the specimen collection process will be considered a violation of this policy and will deem and constitute the specimen as positive.</p> <p>If symptoms are so severe as to endanger the physical welfare of the student and constitute an emergency situation, arrangements shall be made for the student to receive emergency medical attention. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.</p> <p>First Offense for a confirmed Positive-A drug screen that is reported as a confirmed positive by the laboratory shall result in the following: The principal shall notify the parent/guardian of the positive test result and arrange a conference (hearing) to be attended by the principal or designee, the student offender, the parent/guardian, and others approved by the principal.</p> <p>The student shall be suspended for nine (9) days. The principal shall notify the parent/guardian of his decision in writing and forward a copy of the letter to the Superintendent. The violation shall be recorded in the student's WVEIS discipline record.</p> <p>The principal shall encourage the parent/guardian to schedule an interview with a substance abuse treatment agency at parental/guardian expense.</p> <p>The principal shall inform the student and parent/guardian that a student who repeats this infraction shall be required to enroll in and attend, at the expense of the parent/guardian, an alcohol/drug education treatment program from a licensed substance abuse treatment facility. In the event the student/offender fails to complete the treatment program, the principal may recommend expulsion.</p>

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BEHAVIOR-LEVEL IV	DESCRIPTION	INTERVENTION AND CONSEQUENCES
Aggressive, dangerous behaviors that are known to be illegal or harmful to people and/or property or pose a threat to the safe operation of the school.		
		<p>Repeat Offense for a Confirmed Positive shall result in the following:</p> <p>The principal shall notify the parent/guardian of the positive test result and arrange a conference (hearing) to be attended by the principal or designee, the student offender, the parent/guardian, and others approved by the principal.</p> <p>The principal shall suspend the student for ten (10) days and notify the parent/guardian of his decision in writing and forward a copy of the letter to the Superintendent. The violation shall be recorded in the student's WVEIS discipline record. The student shall be required to enroll in and attend, at the expense of the parent/guardian, an alcohol/drug education treatment program from a licensed substance abuse treatment facility. In the event the student/ offender fails to complete the treatment program; the principal may recommend expulsion. Homebound Services may be provided during the treatment program if deemed appropriate. Upon completion of the treatment program, the student/offender shall enter the appropriate alternative education program for the remainder of the school year. The principal may recommend expulsion if there are any aggravating circumstances associated with the investigation of this infraction and/or the implementation of the consequences for this infraction.</p> <p>If a student is found delivering, transferring, or selling any of the prohibited substances as defined by this policy OR is found to be in possession of, with the intent to deliver, transfer, or sell any of the prohibited substances as defined in this policy, the following shall occur:</p> <ul style="list-style-type: none"> (a) The principal shall notify the appropriate law enforcement agency of the infraction and request an investigation. (b) The principal shall notify the parent/guardian of the offense and arrange a conference (hearing) to be attended by the principal or designee, the student offender, the parent/guardian, and others approved by the principal. (c) If evidence substantiates the charges, the student shall be suspended for ten (10) days and the principal shall recommend to the Superintendent that the student be expelled. The principal shall notify the parent/guardian of his decision in writing and forward a copy of the letter to the Superintendent. The violation shall be recorded in the student's discipline record.

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4.0 Administration

- 4.1 **Level IV Behaviors Are Used in Identification and Classification of Persistently Dangerous Schools** - 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 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 one (1) of each year if the school has, for two consecutive years, substantiated Level IV behaviors that exceed five percent (5%) of the total number of students enrolled in the school based enrollment. These include: (1) Battery on a school employee 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. (2) Possession of a firearm or deadly weapon on the premises of an educational facility, at a school-sponsored function, or on a school bus. (3) Sale of a narcotic drug on the premises of an educational facility, at a school-sponsored function, or on a school bus.
- 4.2 **Mercer County School System Requirements Related to Persistently Dangerous Schools** – Schools shall: (1) Provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level IV Behaviors that exceed three percent (3%) of the total number of students enrolled in the school, based on the school’s second month enrollment; (2) 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 (3) 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 Mercer County; and complete the transfer process for all students wishing to transfer.
- 4.3 **WVDE Requirements Related to Persistently Dangerous Schools** – Requirements are: (1) Provide targeted technical assistance to any school that has, for two consecutive years, substantiated Level IV Behaviors that exceed three-point-seven-five (3.75%) of the total number of students enrolled in the school, based on the school’s second month enrollment. (2) 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 offered the opportunity to attend an alternate safe public school within Mercer County. For those students who accept the offer, the transfer shall be approved.
- 4.4 **Use of Physical Punishment Prohibited** - State Board Policy 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 the following: (1)

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Hitting or striking a student on their physical person; (2) Requiring physical activity as a punishment (this does not apply to physical activity within the structure and context of extracurricular activities, physical education class, and/or J.R.O.T.C); (3) Using noxious stimuli (e.g. pepper spray), denying food or water, or using other negative physical actions to control behavior; and (4) Seclusion—a removal in which a student is left unsupervised as an intervention or consequence to inappropriate behavior. This situation is not applicable for removal of students in accordance with the IEP and/or BIP.

- 4.5 **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. A school employee and/or independent contractor may use restraint in an emergency. When the use of physical restraint is necessary, the following guidelines must be followed: (1) 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. (2) Restraint shall be discontinued at the point at which the emergency no longer exists. (3) Restraint shall not deprive the student of basic human necessities. (4) 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: (1) A core team of personnel in each school must be trained annually in use of proper restraint procedures. The team must include an administrator or designee and any general or special education personnel likely to use restraint; (2) 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; (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint; (4) All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports; (5) 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: (a) Immediately following the use of restraint (within one (1) 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

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process used. (b) Same day—A good faith effort shall be made to verbally notify the parents/guardian regarding the use of restraint. (c) Within one (1) school day—Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent/guardian. (d) Within one (1) 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.

(6) Written notification to the parents/guardian and documentation to the student official school record shall include the following: (a) Name of the student; (b) Name of the staff member(s) administering the restraint; (c) Date of the restraint and the time the restraint began and ended; (d) Location of the restraint; (e) 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 (f) Documentation of all parental contact and notification efforts.

- 4.6 **Alternative Education for Disruptive Students** - The purposes of these programs are to provide a safe and secure learning environment. To meet the educational needs of disruptive students. (1) Students enrolled in grades nine, ten, eleven or twelve who have demonstrated excessive and/or repeated violation of the Expected Behavior in Safe and Supportive Schools are eligible for the Alternative Education Program. (2) Students enrolled in grades six, seven, or eight who have demonstrated excessive and/or repeated violation of the Expected Behavior in Safe and Supportive Schools are eligible for the Alternative Learning Center program. (3) Students enrolled in grades 9-12 who have demonstrated excessive and/or repeated violation of the Expected Behavior in Safe and Supportive Schools and who are under expulsion are eligible for the Alternative Education programs for expelled students. (4) Recommendation for placement in an alternative education program may be made by the Student Assistance Team who will review referral information, review documentation of violations of Expected Behavior in Safe and Supportive Schools, and review subsequent intervention strategies. (5) For referrals to the Alternative Education Program a referral form, documentation of violations of Expected Behavior in Safe and Supportive Schools, and intervention strategies shall be forwarded to the Coordinator of Pupil Services. (6) Coordinator of Pupil Services or designee will conduct parent/guardian placement conference for the purpose of obtaining signatures for the parent/student contract prior to students being placed in the Alternative Education Program. (7) Students placed in an alternative education program for behavioral issues will have a written alternative education plan that includes behavioral goals and re-entry criteria. (8) Students placed in an alternative education program for behavioral issues will have their progress reviewed by the county Alternative Education Committee as follows: High school students will have their cases reviewed at the end of each semester. Middle School students will have their cases reviewed at the end of each nine weeks. (9) Students who have previously dropped out

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and earned senior status or who are ages eighteen (18) and meet eligibility criteria are eligible for the Second Chance Program. (10) Students in grades ten-twelve (10-12) who are not on track to graduate with their graduation cohort are eligible to take classes in the Credit Recovery Program. (11) The Alternative Education program operates during regular school hours. (12) The Alternative Learning Center Program operates during regular school hours. (13) The Alternative Education Program for expelled students operates on a virtual platform. (14) The Second Chance Program operates with the Alternative Education Program. (15) The Credit Recovery program operates from 3:30 – 5:30 P.M. or during the regular school day when appropriate.

All alternative programs, with the exception of the Second Chance Program, follow the approved Mercer County Schools Calendar and do not meet when schools are closed due to inclement weather or other local emergencies. Second Chance meets during the regular school year. All alternative education programs are staffed according to available funding. All teachers employed as Alternative Education teachers and/or facilitators must possess a temporary authorization valid for one year (renewable annually). The curriculum offered in the day alternative program is the regular county curriculum for grades six-eight (6-8). The curriculum offered in the alternative program, the expulsion program, and Second Chance is Edmentum (Plato) or other WVDE approved computer-based curriculum.

The Option Pathway curriculum will prepare students to take the Option Pathway Test and will include placement in a CTE pathway for those in Option 1.

The curriculum offered in the Credit Recovery is “on Target WV” or other WVDE approved computer-based curriculum.

Depending on the program, students may complete an alternative education program as follows: (1) Fulfillment of the criteria for re-entry into the regular school; (2) Completion of regular high school graduation requirements and subsequent awarding of a regular high school diploma conferred by the home school; or (3) Completion of the requirements of the Option Pathway Program and subsequent awarding of a regular high school diploma conferred by the home school.

Counseling services for alternative education students will be provided by an assigned or contracted school counselor.

In accordance with WVDE Policy 2340—West Virginia Measure of Academic Progress Program, students in the P.A.S.S. and Alternative Learning Center Programs shall participate in the State Assessment Program.

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- 4.7 **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.

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 for ensuring 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. 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.

- 4.8 **Procedures for Investigating Allegations of Inappropriate Behavior** -The or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system.

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 circumstance(s) giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

When any student is to be interviewed in connection with an investigation pursuant to a Level IV 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 Levels II and III and discretionary at Level I.

The principal shall do the following: (1) Determine whether the alleged conduct constitutes a violation of this policy. (2) 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. (3) Assure that the investigation will be completed as soon as practicable but no later than ten (10) school days following the reported violation.

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Upon completion of the investigation the following must occur: (1) A report, which includes a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy, shall be provided to the principal. (2) The principal or his/her designee or the assistant superintendent shall promptly enter all substantiated reports of violation of Expected Behavior in Safe and Supportive Schools into the West Virginia Education Information System (WVEIS).

- 4.9 **Acts of Bullying, Harassment, or Intimidation** –These acts 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 mental/physical/developmental/sensory
- 4.10 **Assurance of Confidentiality** --Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall 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.
- 4.11 **Investigation Procedure Considerations for Racial, Sexual and Religious/Ethnic Harassment and Violence** - Any student who believes he or she has been the victim of racial, sexual, religious/ethnic harassment, or violence by another student or any other person with knowledge or belief of conduct which may constitute harassment or violence, should report the alleged acts immediately to a school administrator as designated by this policy either orally or in writing. The Board encourages the reporting party or complainant to use the report form available from the building administrator or available from the Mercer County School's Website.

In each school facility the building administrator is the person responsible for receiving oral or written reports of racial, sexual, religious/ethnic harassment, or violence at the building level. The following protocol shall be observed: (1) Upon receipt of each report between students, the building administrator shall begin an investigation immediately. If assistance is needed, the building administrator may contact the Assistant Superintendent or designee. Upon the conclusion of the investigation of a complaint between students filed under these procedures specifically for instances of alleged racial, sexual and religious/ethnic harassment and violence, a written report shall be provided to the student's parent/legal guardian, or the complainant if age eighteen (18) or older. Failure to forward any racial, sexual, religious/ethnic, harassment, or violence report or

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complaint as provided herein will result in disciplinary action. If the complaint involves the building administrator, the complaint shall be made directly to the Assistant Superintendent. (2) Upon receipt of a report involving a school employee, refer to Mercer County Policy G-24, Employee Code of Conduct. (3) The Board designates its Title IX Coordinator as the Board's Human Rights Officer to receive reports or complaints of harassment or violence from any employee. The Title IX Coordinator will also serve as a resource for building level investigations involving students who complain of harassment or violence against them. The name of the Human Rights Officer The Title IX Coordinator's contact information, including a name, email address, mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other BOE owned facilities.

In determining whether alleged conduct constitutes harassment or violence, consideration will be given to the surrounding circumstances, the nature of the racial, sexual, disability and/or religious/ethnic advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The Board recognizes that not every advance or comment of a racial, sexual, disability or religious/ethnic nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a detrimental effect on innocent parties; therefore, willful, false accusations may result in disciplinary actions that include, but are not limited to, oral and/or written reprimand, suspension, or expulsion.

The investigation will at a minimum consist of personal interviews with the complainant, the individual(s) respondent(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstance(s) generating the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator(s). See Policy G-39.

In addition, school officials may in their discretion take immediate steps to protect the complainant, and/or student(s) pending completion of an investigation of alleged harassment and/or violence.

The building level administrator will document these complaints and findings. Copies will be retained at the school level. For district level complaints, the Human Rights Office will document the complaint and findings. A copy of the documentation will be retained by the Human Rights Office Title IX Coordinator. The report will include a recommendation concerning the validity of the complaint. If the Superintendent is the subject of the complaint, the report will be made to the President of the Board.

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Upon receipt of a recommendation that the complaint is valid, the school administration or the county school administration will take such action as appropriate based on the results of the investigation.

- 4.12 **Procedural Requirements for Exclusion, Suspension, and Expulsions** - It is the intent of Mercer County Schools 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. The determination of interventions and consequences is at the discretion of the school administrator for Level I, Level II, and Level III. WV Code requires that the principal shall suspend a student who commits a behavior classified as Level IV in this policy.

In determining the appropriate intervention and/or consequence in response to a substantiated Level I, Level II, or Level III, 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.

Exclusion. 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 Section 3.0. 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 (2) 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), guardians(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior pattern and the teacher and principal agree on the appropriate course of action.

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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.

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) 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 (e.g., home, community setting). This includes both removals in which no IEP services are provided because the removal is ten (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 she/he should not be suspended. However, a student whose conduct is detrimental to the safety of the school may be suspended immediately and a hearing held as soon as practical after the suspension. Other procedures the school must follow when dealing with out-of-school suspensions include the following: (1) Parent(s)/guardian(s) must be notified promptly in all cases of suspension. (2) The county superintendent of schools or designee must be notified and preferably in writing of the time and conditions pertaining to the suspension. (3) A student that is suspended from school may not participate in any

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school-sponsored activities, and is not permitted on school grounds during the period of suspension. (4) 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 include the following: (1) 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. (2) Upon the student's/parent's/guardian's request, a formal hearing must be scheduled before the county board of education. (3) Students are entitled to be represented or advised during the proceedings by a person or persons of their choosing, including legal counsel. (4) Students are entitled to be given reasonable time to prepare for the hearing.

Expulsion. A required 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 the following: 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 following: (1) The student and parent(s)/guardian(s) must be given a written statement of the specific charges against the student. (2) The county board of education must hold a hearing regarding the recommended expulsion. (3) The student and parent(s)/guardian(s) must be given a written statement of the specific charges against the student. (4) The county board of education must hold a hearing regarding the recommended expulsion. (5) 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. (6) The student and parent(s)/guardian(s) have the right to be present at the board hearing and to defend against the charges. (7) The student has the right to be represented by an attorney at his/her own expense at the hearing. (8) The student has the right to present witnesses in his/her behalf, to hear the testimony of witnesses against him/her, and to question the witnesses against him/her.

Upon request by a principal, the county superintendent shall recommend to the county board that the student be expelled. Upon such recommendation to the county board by the superintendent, the county board shall conduct a hearing to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student. Students may be expelled for a period not to exceed one school year, provided that a county superintendent may lessen the mandatory one-year period of expulsion if the circumstances of the pupil's case demonstrably warrant such a reduction. A county board that expels a student may attempt

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

The county superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student’s conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school.

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, fact 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, he/she 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.

- 4.13 **Considerations for Transferring Students with Expulsion** - 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 this policy. Superintendents may, in their discretion, determine the appropriate educational placement, including alternative education services, for these students.
- 4.14 **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.
- 4.15 **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

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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 implementations plans. Therefore, all inappropriate behaviors as described in Chapter 4, Section 2, Level I, Level II, Level III or Level IV shall be reported through the following: (1) Teacher level documentation shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal; (2) 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. (3) 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. (4) 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.

- 4.16 **Appeals Procedures** - If someone believes that a county board of education has violated the procedural rights set forth in this policy, he/she may avail himself/herself 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.
- 4.17 **Distribution of Tobacco** - 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.
- 4.18 **Immunity** - According to WV Code 18-2C-4, a school employee, student, or volunteer is individually immune from a cause of action for damages arising from reporting an incident of harassment, intimidation or bullying if the report is made promptly in good faith, to the appropriate school official
- 4.19 **Dissemination of Policy and Training** - To ensure understanding of the Expected Behavior in Safe and Supportive Schools, the county office and schools shall develop and implement strategies for training students and staff on these regulations and on means for effectively promoting the goals of this policy.

Strategies the county office and school may employ to accomplish these requirements include the following: (1) Discussing the policy with large student groups such as grade levels at the beginning of the school year and with smaller groups such as homerooms

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/advisory groups throughout the year, emphasizing the different types of behaviors, the effect behaviors have on the other person, and the consequences for violating the Expected Behaviors in Safe and Supportive Schools. (2) Printing key excerpts from the policy in the student calendar that is distributed to all students at the beginning of the school year. (3) Printing key excerpts from the policy in the "Back to School" edition distributed through the local newspaper. (4) Printing key excerpts from the policy in the student handbook and/or newspaper of each school. (5) Displaying link to entire policy on county and school websites. (6) Discussing the policy with support groups such as the PTA/PTO, Local School Improvement Council, Title I Parent Advisory, Council, Booster Groups etc. (7) Providing pre-school staff development sessions for administrators, faculty and staff, emphasizing the types of behaviors, how they are manifested, how the behaviors impact the students and their learning, and the consequences for violating the Expected Behaviors in Safe and Supportive Schools. (8) Requesting the parent/guardian of each student entering school for the first time each year, sign and return an agreement to abide by the stipulations in this policy and consequences associated with violations. The agreement document shall be a tear-out page of the student calendar and shall be returned to and maintained at the individual school. (9) Posting the Expected Behaviors in Safe and Supportive Schools in areas accessible to students and staff members of each county/school facility. These areas may include, but are not limited to, commons areas, classrooms, office areas, hallways, gymnasiums, and locker rooms.

- 4.20 **Reprisal** - The principal, his/her designee, superintendent, assistant superintendent, or the Mercer County Board of Education shall discipline any individual who retaliates against any person who reports alleged violations or any person who testifies, assists, or participates in the investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Disciplinary actions shall include, but are not limited to, oral and/or written reprimand, suspension, expulsion, or termination.

False Reporting. Any student, administrator, or other school personnel who intentionally reports violations of the Expected Behaviors, knowing them to be false, shall be the subject of appropriate disciplinary actions which shall include, but are not limited to an oral and/or written reprimand, suspension, expulsion, or termination.

5.0 Severability

If any portion of this policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Date(s): 2/25/82; 1/91; 2/91; 9/93; 5/27/03; 8/26/03; 2/28/06; 5/22/07; 6/24/08; 12/22/09;
6/12/12, 9/10/13, 9/08/15, 1/10/17

**Parental/Guardian Permission to House Cellular Telephones
or Other Portable Communication Devices on School Property**

By signing below, I give permission for _____ (name of student) to house a cellular telephone or other portable communication device on school property during the regular school day. My child and I have reviewed and understand the regulations outlined below:

1. The use of any portable communication device such as cellular telephones or other portable communication devices is prohibited on school property during the regular school day as established by Mercer County Schools.

Possession or use of portable communication devices other than as permitted in this policy is a Level I violation. In addition to other Level I disciplinary sanctions listed, the device will be confiscated and returned only to the student's parents/guardians.

2. Students are allowed to bring portable communication devices within a school building or on a school bus during the school day only under the following guidelines:

High school and middle school students may have the privilege to bring a portable communication device into the school building if:

- a) The parent or guardian has requested, on the proper form, for the student to have the privilege to be allowed to house a portable communication device in his/her locker during the regular school day.
- b) The student, under no circumstances, uses or displays this communication device during the regular school day.

Elementary school students may have the privilege to bring a portable communication device into the school building if:

- a) Parents file a request and the principal approves each request based on legitimate reasons, such as the safety or well-being of the student. If the request is approved, the principal will give directions as to the housing of the portable communication device during regular school hours.

3. Portable Communication Devices on Regular Bus Runs

- a) The use or display of portable communication devices on a bus is prohibited. These devices may be transported but must be concealed in a backpack, pocketbook, etc.

4. Cars

- a) Portable communication devices are permitted in vehicles on school property, but the use of these devices is prohibited during the established regular school hours.

5. After-School Activities

- a) Mercer County Schools will allow the use of portable communication devices during after-school activities. Any evidence of malicious use will result in disciplinary action.

- b) Mercer County Schools will assume no responsibility in any circumstances for the loss, theft, damage, or phone bills related to portable communication device devices as specified on the form.

Signature of Parent/Guardian

Date

Signature of Student

Date