



MANUAL FOR STUDENT RESPONSIBILITIES  
AND EXPECTED BEHAVIOR IN SAFE AND  
SUPPORTIVE SCHOOLS

LEWIS COUNTY SCHOOLS CHAPTER 5



## **Lewis County Schools Manual for Student Responsibilities and Expected Behavior in Safe and Supportive Schools**

This manual sets the expectations and requirements for attendance, conduct, and support systems provided to students in order to assure a nurturing, orderly, safe, drug-free, violence-free, and harassment-free learning environment that supports student academic achievement and personal-social development.

This manual combines and replaces the following Lewis County Policies:

- a. 5.1 Attendance (Reviewed & approved December 28, 2009)
- b. 5.2 Drop out (Reviewed & approved December 28, 2009)
- c. 5.3 Enrollment (Reviewed & approved December 28, 2009)
- d. 5.4 Attendance Area & Enrollment Policy (Reviewed & Approved December 28, 2009)
- e. 5.6 Tobacco Control Policy (Reviewed Policy December 28, 2009)
- f. 5.7 Computer Acceptable Use Policy (AUP) (Reviewed & Approved August 9, 2010)
- g. 5.10 Homebound Policy (Reviewed & Approved March 26, 2012)
- h. 5.19 Policies & Procedures for the LC Schools Alternative Learning Center (Reviewed & Approved August 9, 2010)
- i. 5.21 Harassment, Bullying, Cyber-Bullying, or Intimidation (Reviewed & approved on September 11, 2011)
- j. 5.25 Student Discipline Policy for Lewis County Schools (Reviewed & approved May 29, 2012, effective July 1, 2012)
- k. 5.49 Saturday D-Hall (Reviewed & approved September 12, 2011)
- l. 5.50 Mandatory after school detention hall (Reviewed & approved September 12, 2011)

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Chapter 5.1 Attendance - Early Out/Exemption to Full-Day Attendance developed and approved by LCBOE on December 11, 2017.

Chapter 5.1 Attendance - Student Transfer Request Procedures (In-County or Out-of-County) developed and approved by LCBOE on December 27, 2017.

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## 5.1 School Attendance

Philosophy: The fundamental right to attend public school places upon students the accompanying responsibility to be faithful in attendance. Excellent attendance is essential for a student's successful progress in the instructional program, in proper contribution in citizenship, and in the workplace. Lewis County Schools will encourage, instruct toward, and recognize excellent attendance. Lewis County Schools will also create a positive self-environment conducive to learning and committed to helping students develop responsibility, self-discipline, and other good work habits. It is a proven fact that students who attend school regularly learn more, achieve higher grades and enjoy school experiences more. This results in fewer disciplinary problems, fewer dropouts and a more comprehensively educated and responsible adult. Learning that is lost due to absence can never be adequately replaced.

### Definitions

Absence - a student who is not physically in the school facility or a student who is in the facility but not in the designated areas as per the student's schedule.

- a. Excused Absence - an absence verified in writing by the parent (up to three consecutive days or a total of 5 absences in semester) and defined as one of the accepted absences by the State of West Virginia for licensure to operate a motor vehicle. Verification of absence must be submitted upon return to school but no later than two (2) days after return to school.
- b. Unexcused Absence – shall be any absence not specifically included in the definition of “excused absence”

### Attendance Procedures

- a. Students may not be suspended out of school solely for failure to attend class.
- b. A student who is physically absent from school is recorded absent.
- c. Attendance will be taken in Advisor-Advisee/ homeroom/ first period and all class periods. Teachers will send attendance slips to the office or document in WVEIS according to individual school policy.
- d. When a student accumulates five (5) days of truancy, the principal must notify the attendance director and parent.
- e. When necessary, the attendance director or designee must contact parents to ascertain the true reason for absence, to evaluate the home situation and the need for the student to be absent.
- f. Students will not be permitted to withdraw from school until they reach their 17th birthday and shall be given priority treatment for interventions. An appropriate intervention may be referral to a student assistance team/program.
- g. A report of all school dropouts will be submitted to the West Virginia Department of Education.
- h. The attendance record shall accompany any student who transfers from one Lewis County school to another during the course of the school year.

### Parental Notification Requirements

School procedures shall contain at least the following notification components:

- a. At the commencement of each school year parents shall be provided a copy of the school's attendance procedure.
- b. New arrivals during the school year shall also be provided a copy of the school's attendance procedure.
- c. A written notice is required upon the student's return to school. Failure to notify the school in writing of an absence will constitute truancy and may result in appropriate disciplinary or truancy actions. Parents may provide parental excuses for a student's illness.

- d. Five (5) days of parental excuses are permitted during a school semester. Parental excuses over the five (5) day limit will be unexcused.
- e. Any student absent from school shall be given the opportunity to complete or make-up all work missed. The student will be given a day for each day absent to make-up assignments, unless the student had prior knowledge of a test, quiz, report, homework, etc., due date prior to the absence. In that event, the student would be required to fulfill those obligations on the day of his/her return to school.
- f. Any student who leaves school during the regular school day must have prior administrative permission or face disciplinary or truancy actions.

### **Attendance Director Procedures**

The county attendance director shall diligently promote regular school attendance. He/She shall ascertain reasons for absences from school for students of compulsory school age and students who remain enrolled beyond the compulsory school age birthday. (Reference WV Code §18-8-4Bc-f)

- a. In the case of three total unexcused absences of a student during a school year the attendance director or designee shall serve written notice to a parent, guardian, or custodian of a student that the attendance of the student at a school is required.
- b. In the case of five total unexcused absences, the attendance director or assistant shall serve written notice to the parent, guardian or custodian of the student that within five days of receipt of the notice the parent, guardian or custodian, accompanied by the student, shall report in person to the school the student attends for a conference with the principal or other designated representative of the school in order to discuss and correct the circumstances causing the unexcused absences of the student, including the adjustment of unexcused absences based upon such meeting.
- c. In the case of ten total unexcused absences of a student during a school year, the attendance director or assistant shall make complaint against the parent, guardian or custodian before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within ten calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.
- d. The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in section eight, article one, chapter fifty of this code, shall assign the case to a magistrate within ten days of execution of the summons or warrant. The hearing shall be held within twenty days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least ten days' advance notice of the date, time and place of the hearing.
- e. When any doubt exists as to the age of a student absent from school, the attendance director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director and assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled
- f. When any doubt exists as to the age of a student absent from school, the attendance director and assistants have authority to require a properly attested birth certificate or an affidavit from the parent, guardian or custodian of the student, stating age of the student. In the performance of his or her duties, the county attendance director and assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

- g. The county attendance director and assistants shall devote such time as is required by section three of this article to the duties of attendance director in accordance with this section during the instructional term and at such other times as the duties of an attendance director are required. All attendance directors and assistants hired for more than two hundred days may be assigned other duties determined by the superintendent during the period in excess of two hundred days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

### **Attendance Director Responsibilities and Duties**

All attendance directors hired for more than two-hundred days (200) may be assigned other duties determined by the superintendent during the period in excess of two-hundred (200) days. The county attendance director is responsible under direction of the superintendent for efficiently administering school attendance in the county. In addition to those duties directly relating to the administration of attendance, the county attendance director shall also perform the following duties:

- a. Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;
- b. Confer with principals and teachers on the comparison of school census and enrollment for the detection of possible non-enrollees;
- c. Cooperate with existing state and federal agencies charged with enforcing child labor laws;
- d. Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in such manner as the Superintendent may direct;
- e. Participate in school teachers' conferences with parents and students;
- f. Assist in such other ways as the Superintendent may direct for improving school attendance; and
- g. Make home visits of students who have excessive unexcused absences, as provided above, or if requested by the principal or designee.

### **Licensing for Privilege of Motor Vehicles Operation**

- a. Verification of Enrollment Forms for the privilege of obtaining a driver's permit/license shall be granted to a student who is in satisfactory standing with regard to attendance, behavior, and academic progress.
- b. For purposes of denying a permit/license the following applies: 1) withdrawal from school, which is defined as not attending school for more than ten (10) consecutive or 2) fifteen (15) days total unexcused absences during the school year.
- c. Satisfactory academic progress is defined as a student who earns five (5) credits per year, three (3) of which must be from core subjects, to allow for graduation in five years based on the graduation requirements of the state set forth in 126CSR42, WVBE Policy 2510: Assuring the Quality of Education, Regulations for Education Programs.
- d. Suspension pursuant to W. Va. Code 18A-5-1b, which includes the following behaviors when committed on the premises of an education facility, at a school-sponsored function, or on a school bus: 1) assault and/or battery of school employees; 2) possessing deadly weapons; 3) sale of a narcotic drug; 4) committing an act or engaging in conduct that would constitute a felony under W. Va. code if committed by an adult; or 5) unlawfully possessing a controlled substance governed by the uniform controlled substances act as described in W. Va. Code 60-1.1 et seq.

### **Acceptable Absences in Licensing for Privilege of Operation of Motor Vehicles**

The following are the accepted absences for determination of excused and for condition of licensing for Privilege of Operation of Motor Vehicles.

- a. Illness or injury of the student requiring physician's verification



- b. Medical and/or dental appointment that cannot be scheduled outside the school day when the absence is verified in writing by the physician or dentist.
- c. Illness of the student verified by the parents/guardian not to exceed three (3) consecutive or five (5) total days per semester/term. Verification by a physician shall be required if absences exceed three (3) consecutive days.
- d. Illness or injury in family when student absence verified as essential by physician
- e. Calamity, such as fire in the home, flood, or family emergency upon approval by the school principal
- f. Death in the family, limit three (3) days for each occurrence except for extraordinary circumstances. "Family" defined as a mother, father, brother, sister, grandmother, grandfather, aunt, uncle, brother-in-law, sister-in-law, brother's children, sister's children, student's child(ren), or any person living in the same household.
- g. Leaves of educational value adhering to these stipulations: 1) Prior approval of school administrator; 2) Prior submission and approval of educational plan upon student's return; 3) Leave not to exceed ten (10) days-verification of implementation of the education plan up-on student's return; 4) Leave to extend more than ten (10) days requires county board approval.
- h. School approved curricular or extra-curricular activities
- i. Legal obligations with verification
- j. Failure of bus to run or extremely hazardous conditions
- k. Observance of religious holidays
- l. Exceptional student's absences should be addressed in accordance with Policy 2419, Regulations for the Education of Exceptional Students.
- m. Absences that result from school-approved curricular/co-curricular activities; failure of the bus to run/hazardous conditions, 4-H pre-approved activities, SAT Plan, IEP or 504 Plan and other county board approved excused absences
- n. "Documented chronic medical condition" means any physical or mental condition that may require multiple or regular absences. This condition must be documented annually with a valid physician's note that explains the condition and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP or 504 team (See §5.3.3.d). Such absence(s) shall be considered an allowable deduction for purposes of §126-81-5.2 of this policy.
- o. "Documented disability" means any mental or physical impairment that substantially limits one or more major life activities and is documented annually with a valid physician's note that explains the disability and anticipated impact on attendance. The necessity for the absences must be approved and reviewed quarterly by the SAT, IEP, or 504 team (See § 5.3.3.d). Such absence(s) shall be consider an allowable deduction for purposes of § 126-81-5.2 of this policy.

### **Reinstatement of the Driver's Permit/License**

Any absence not meeting these requirements shall be considered an unexcused absence or truancy for driver licensing privilege. Determination of the existence of an excessive illness or other extraordinary circumstances shall be left to the discretion of the principal.

- a. Reinstatement requests related to withdrawal for unexcused absences shall be reviewed at the end of the semester following that in which the student obtained zero unexcused absences.
- b. Reinstatement requests related to failure to make satisfactory academic progress shall be reviewed at the end of each school year for the purpose of reinstating the Driver's Eligibility Certificate.
- c. Reinstatement requests related to withdrawal for suspension pursuant to W. Va. Code 18A-5-1a and 18A-5-1b shall be reviewed after all disciplinary sentences have been served for the purpose of reinstating the Driver's Eligibility Certificate.

## Early Out/Exemption to Full-Day Attendance

### Purpose:

Lewis County Board of Education (LCBOE) accepts that a student should have an opportunity to be eligible for an early out/exemption to full-day attendance provided student meets defined prerequisites within this policy.

### Requirements:

The LCBOE has the authority to approve early outs/exemptions to full-day attendance. The LCBOE will only consider an early out/exemption to full-day attendance for one or more instructional periods if the student meets one of the criteria that follows:

1. Enrolled in higher education classes during the instructional periods approved.
2. Enrolled in a two-year community technical program during the instructional periods approved.
3. Verified family financial responsibilities and/or needs beyond student control.
4. Verified employment with on-going documentation of gainful employment.
5. Enrolled in an Option Pathway program.

### Process:

1. Seniors requesting an early out/exemption to full-day attendance must initiate the process by requesting guidance and paperwork from the Lewis County High School counselors.
2. Students must have an overall GPA of 3.0, a good attendance/behavior record, and be on target to graduate with an approved early out/exemption to full-day of attendance.
3. Students must provide documentation of continuous enrollment in a post-secondary program to the principal.
4. Students must provide documentation of continuous employment on a monthly basis to the principal.
5. All requests for an early out/exemption to full-day attendance must have the principal's recommendation prior to the beginning of the school year unless there are extenuating circumstances beyond the student's control. The principal shall make the determination to accept or not accept an extenuating circumstance.
6. All recommendations will be presented to the superintendent of schools for his/her consideration and acceptance.
7. The superintendent will present names for consideration to the LCBOE for impending approval.
8. The principal and superintendent reserve the right to deny a request for an early out/exemption to full-day attendance based on student not meeting minimum requirements of this policy or not in the best interest of the student.
9. Student in violation or not meeting his/her obligations of minimum requirements as approved by the LCBOE will have his/her early out/exemption to full-day attendance rescinded at the semester. The student will be required as per WVDE Policy 2510 to return to LCHS and be reenrolled in classes for the new semester.
10. Any student requesting an early graduation falls under the Compulsory Attendance Statute (WV § 18-8-1). Student must follow the request process as per this policy, but the county attendance director must investigate validity and approve request along with principal, superintendent, and LCBOE.
11. Students enrolled in the Option 1 Pathway program do not have to meet any process to be eligible for an early out/exemption to full-day attendance. Notwithstanding, Option Pathway students must still be approved for early out/exemption to full-day attendance.

### Appeal:

The student and parent/guardian have the right to appeal any decision of denial as per this policy to the LCBOE.

## **Student Transfer Request Procedures (In-County or Out-of-County)**

Students shall be required to attend the school within the attendance zone where he/she reside. Residence shall be determined by the residence of the custodial parent(s), legal guardian(s), or legally responsible adult or institution. The student must physically reside in the attendance zone and may be required to provide evidence of legal residence, such as: utility bills, rental agreement, property tax receipt, etc. If evidence exists to indicate that residency may not be accurate, the county Attendance Director shall initiate an investigation, which may include visitation to the residence. If it is found student is attending school in the wrong attendance zone, he/she will be transferred to his/her correct school of attendance.

Exception to the attendance zone requirement would involve “exceptional students” who are required to receive specialize educational and related services that are not available at his/her homeschool in area of residence and student(s) that fall within the McKinney-Vento Act.

Parent(s) who request a transfer for their child(ren) to a school outside of his/her designated attendance zone are responsible for making an application (see Student Transfer Application Form) to the Lewis County Schools' Attendance Director for consideration. The Attendance Director, will work in collaboration with school principal (both homeschool and transfer school), Transportation, Elementary and Special Education Supervisors in determining availability of space/need and that student(s) meets the requirements of this policy.

Any request for transfer to a school outside of student attendance zone must be received by the first Monday in June. The review of Student Transfer Request Applications will begin thereafter. The assignment to a school outside of attendance zone will be considered based on the priority list that follows:

1. Meets student-teacher ratio limitations of this policy.
2. School provides specific specialize educational services student requires.
3. A student of a full-time employee of the school only where employed.
4. Student attended school the previous 2 years, beginning with kindergarten and above.
5. A sibling is currently enrolled in the school.
6. Student attended school the previous year.

Provided there is space available at the school and grade level, the Attendance Director will determine requests based on the priority list first. All other student(s) requests will be considered once the priority list is exhausted. Enrollment in a Pre-Kindergarten site will follow West Virginia Board of Education Policy 2525. Acceptance in a Pre-K program has no bearing on enrollment in any given school for Kindergarten. Submitted Student Transfer Application Forms will be mailed home designated as “approved” or “denied”, whichever may be the status.

The following student/teacher ratio limitations has been established to ensure space for students that establish residence in any school attendance zone, requires specialize services, or meets the McKinney-Vento Act throughout the school year without causing an overage situation. Student transfers (in/out of county) will not be permitted once 85% of available space has been occupied at each school and grade level. The affected grades are as follows:

1. Kindergarten: 23 with overage
2. Grades 1-3: 25 no overage allowed
3. Grades 4-6: 28 with overage

In order to protect the budget integrity of the Lewis County School system, if at any time during the school year the class size in the school exceeds the state teacher/student ratio limit, the transfer student may be required to return to his/her home school (last in, first out). All transfers are approved contingent on good

behavior, faithful attendance, and academic achievement, and must be in compliance with the state/teacher ratio.

The Attendance Director will forward his/her approved requests to the Superintendent for consideration. The superintendent shall have final authority to approve or disapprove any transfer and to rescind or revoke any transfer.

Renewal of any transfer is required annually as per this policy unless an exceptional or McKinney-Vento Act student placement is involved. Parents are responsible for transportation and/or expenses related to the transfer, unless an exceptional or McKinney-Vento Act student placement is involved. Families that change residence within a school year must enroll in the school of their new residence or complete a Student Transfer Application Form to remain in the out-of-attendance zone school.

Requests from an out of county student transfer falls under this policy and WV Code 18-5-16A. When involving two county boards of education, student must acquire permission from both boards and complete a Student Transfer Application Form. All transfers are approved contingent on good behavior, faithful attendance, academic achievement and must be in compliance with student/teacher ratio limitations. Renewal of transfer is required annually. Eligibility for all extracurricular activities are governed by the West Virginia Secondary Schools Activity Commission.

## **Homeless Definition**

Any child or youth who is 1) awaiting foster care placement, 2) in the custody of the West Virginia Department of Health and Human Resources, 3) has been placed in out-of-home care, and 4) is not in a permanent placement. This includes, but is not limited to, children and youth in family foster care, kinship care, emergency shelter care, or in a residential group home.

## **Homeless Liaison**

The attendance director shall serve as the liaison for homeless children and youth as defined in W. Va. Code § 18-8-4. As defined in McKinney-Vento Act, as the liaison for homeless children and youth, the attendance director is required to:

- a. ensure that public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services
- b. ensure that parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children
- c. assist in accessing all transportation services for their children, including to the school or origin
- d. help unaccompanied youth choose and enroll in a school, considering the youth's wishes, and provide the youth with notice of his or her right to appeal the school district's decision
- e. immediately assist in obtaining immunizations or record of immunizations or other medical records for those students who do not have them, and assure that students are enrolled in school while the records are being obtained
- f. ensure that homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies
- g. ensure that homeless children and youths enroll in, and have a full and equal opportunity to success in schools of that local educational agency
- h. ensure that homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health services, and other appropriate services
- i. ensure that enrollment disputes are mediated as outlined in Paragraph (3) (E) of the McKinney-Vento Act
- j. ensure that all barriers are removed in the process of a student's educational experience.

## **Homebound Services**

### **Definitions**

These regulations are based on policy WVDE 2510.6.2.C. The Lewis County School Board of Education will afford each student the opportunity to continue his/her education in the event of illness, psychiatric condition, or disciplinary action that requires homebound.

### **Procedures/Protocol/Minimum Requirements:**

- a. For students with illness, psychiatric condition, or injury, the parent/guardian applies for homebound services at the child's home school, and the school will refer the application to home bound committee which consist of a school nurse, attendance director, director of special education, and school principal or representative.
- b. For students who have a medical illness, psychiatric condition, or injury, the parent/guardian supplies the homebound committee with the signed homebound application and necessary documentation provided by a licensed physician, who specializes in the health condition that may temporarily confine the student to the home or hospital for a period that will last more than fifteen consecutive instructional days for a high school student. A date certain for the conclusion of services shall be established by the physician. Lewis County Board of Education will review the

date certain every six weeks for the purpose of transitioning the student to full day instruction or termination of homebound services.

- c. The homebound committee will determine the appropriate location for homebound instruction.
- d. If services are provided in the home, the parent/guardian will make arrangements for a parent/guardian to be present while the services are being provided. In the absence of a parent/guardian, services will not be provided for that day, and this will be considered an unexcused absence. After two unexcused absences, the services may be terminated.
- e. For those students who require homebound services as a result of disciplinary action, services will be provided at a location determined by the homebound committee.
- f. Homebound teachers shall provide the equivalent of four (4) hours per week within the duration of the entire service.
- g. Students served under an IEP or 504 plan must be provided services pursuant to the IEP or 504 plan.
- h. The student is responsible to complete all assignments provided by the homebound teacher. In the case of a student's failure to complete assigned work, the home bound committee shall review compliance of assignments and reserves the right to terminate services if the student does not comply. Parent/guardian is encouraged to support the student's instruction.

## 5.2 Bullying, Harassment, and Intimidation Prohibition

### Purpose

Lewis County Schools is committed to protecting its students and employees from harassment, intimidation, or bullying for any reason and of any type. We believe that all students and employees are entitled to a safe, secure, positive, productive, nurturing, equitable, and harassment-free educational environment. Therefore, the purpose of this policy is to deter all forms of harassment, intimidation, or bullying, to protect the educational environment, to assure the prompt and efficient response to such incidents, and to deter future incidents from occurring. We shall not tolerate acts of harassment, intimidation, bullying on school property, on a school bus, at a school bus stop, or at school-sponsored events, whether or not on school property, which may interfere with anyone's right to a harassment-free educational environment. Conduct that constitutes harassment, intimidation, or bullying, as defined herein, is strictly prohibited. Just as all students shall report all acts of harassment, intimidation, or bullying to a school employee, all employees, coaches, and volunteers shall report said acts to the immediate supervisor immediately.

### Definitions

The various forms of harassment, bullying, and intimidation are outlined in Level III violations. Students will be subject to the consequences outlined in Level III if found to be in violation.

### Procedures

It is the responsibility of Lewis County Schools to administer this policy. Lewis County Schools prohibits the harassment, intimidation, or bullying of any student on school property, on a school bus, at a school bus stop, or at extra-curricular events. Any individual, group, or organization affiliated with the Lewis County Schools in any capacity, including without limitation and mentoring, "co-op," shadowing, internships, or volunteers programs, or as chaperones, sponsors, or vendors, shall abide by this policy.

- a. **Reporting:** Any student who believes he or she has been or is currently the victim of or has witnessed any prohibited behaviors should immediately report the situation, preferably to a staff member at his or her respective school and/or to any school district employee. The employee must report to the school administrator as soon as reasonably possible.
- b. All complaints about bullying behavior that may violate this policy shall be investigated by the school administration as soon as reasonably possible.
- c. If the investigation finds an instance of bullying behavior has occurred, it will result in appropriate disciplinary action as out-lined in the *Manual of Expected Student Behavior in Safe and Supportive Schools*. Individuals may also be referred to law enforcement officials.
- d. The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.
- e. **Protection from Retaliation:** The School District shall discipline or take appropriate action against any student who retaliates against, or attempts to retaliate against any person who reports or files a complaint of harassment, intimidation or bullying or otherwise participates in an investigation or inquiry concerning said allegation. Retaliation may include, but is not limited to, any form of threat, intimidation, reprisal or discrimination.
- f. **Parent Notification:** The principal or principal's designee shall notify the parent or legal guardian of any student involved in an incident that may violate this policy. The parent shall be notified as promptly as possible, preferably on the same day an investigation is initiated.
- g. **Confidentiality:** All information collected during the investigatory process and resolution of complaints is confidential. Confidential information may include, but is not limited to, the filing of a complaint; the identity of subjects, investigators, and/or witnesses identified in the complaint; any action taken as a result of such complaint.
- h. Only those individuals necessary to investigate and resolve a complaint shall receive in-formation regarding that complaint.

- i. Violating the confidentiality of any incident invoking this policy may result in disciplinary action, up to and including termination of employment or expulsion.



## **5.3 Students Rights and Responsibilities**

### **The Right to a Thorough and Efficient Education**

All students regardless of race religion, national origin, language, gender disability, marital status, parenthood, or pregnancy have the right to an equal education opportunity. Students are required by law to attend school regularly until their seventeenth birthday; as long as they continue to be enrolled as a student after their seventeenth birthday; or until their graduation. A student who has not graduated may attend school until twenty-one years of age. Public schooling is tuition-free for all students. Lewis County Schools, however, may charge tuition for summer school and before/after-school programs, if offered, provided that any student whose parents, in the judgment of the board, are unable to pay such tuition, may attend at a reduced charge or without charge except for post-secondary, community education, or adult preparatory programs. Whatever school supplies are deemed necessary to accomplish the goals of a school system and are an integral and fundamental part of elementary & secondary education must be provided free of charge to all students, such as textbooks, paper, writing implements and computers if their use is part of the curriculum. Students may be required to purchase their own equipment, such as instruments and costumes for performance-based classes, such as band, orchestra, choir, dance and theatre. However, students shall not be denied participation in a class because their parents/guardians cannot afford to do so.

### **Student Inquiry and Expression**

Schools may not conduct, sponsor or endorse religious activities during school time. Individual students have the right to practice their own religion in a manner that does not interfere with the orderly conduct of classes and may form student groups with a religious focus that meet after school. Students have the right to be absent from school, on a reasonable basis, for religious instruction and/or for participation in religious activities. An opportunity must be provided for students to make up any work missed; however, it is the student's responsibility to make up such work pursuant to the rules established by the school or county.

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

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

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

### **Non-Curriculum Related Student Groups**

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

## **Extra-Curricular Activities**

Students must meet all state and local attendance requirements and maintain a 2.0 grade point average in order to participate in non-academic extra-curricular activities (e.g. interscholastic athletics, student government, class officers in grades 6-12). Eligibility is determined for each semester by a student's grade point average for the previous semester. Those students participating in a GED program whose grade point average for the last semester before entering into the program was below 2.0 grade point average may become eligible if they achieve a 2.0 average or better the mid-point of the second semester (the nine week point) in the same manner as students enrolled in the regular curriculum as outlined in [WVBE Policy 2436.10](#).

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

## **Privacy**

Students have certain privacy rights regarding school records. WVBE Policy [4350 – Collection, Maintenance and Disclosure of Student Data](#) and Lewis County Board of Education Policy 5.41 Safety Regulations and Procedures provide regulations for schools to follow regarding school records.

## **Protection from Unreasonable Searches and Seizures and Self-Incrimination**

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

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

## **Child Abuse Prevention**

Students have the right to grow up without being physically or sexually abused at school, in the home or the community. [W.Va Code §49-2-803](#) requires all school personnel who suspect that a student is being abused to report the circumstances to the West Virginia Department of Health and Human Resources. Victims of abuse may seek the advice or assistance of a teacher, counselor, nurse, or other school professional. The school professional will assist students in getting needed help to prevent the abuse from recurring.

## **5.4 Expected Student Behaviors and Consequences**

### **Safeguards**

Lewis County Schools shall provide in-service training for all principals related to implementation of this policy and the implementation of a preventative discipline program.

School administration shall provide in-service training to all school personnel related to implementation of this policy and relating to assertive discipline procedures and conflict resolution.

No Lewis County Schools property shall be used for the advertisement of any tobacco, alcohol product, or any other product deemed by the LCBOE, WVBE, WVDE to be unhealthy or unsafe to students or staff. Groups using school facilities shall sign an agreement to comply with the environment safeguards set forth in the policy; and

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

### **Purpose**

The Lewis County Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment. Each school, in conjunction with the board of education, will create, encourage, and maintain a safe, drug-free and fear-free school environment.

Establishing such an environment requires a comprehensive program supported by everyone in the school system, parents/guardians, students and community. The expectations outlined in this policy apply in public schools in Lewis County, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises, in building or other property used or operated by a county board of education, RESA, WVDE, WVBOE or in another facility or upon any other property being used by any of these agencies. This policy applies to students, staff, and public guest respectively as noted within the policy. Consequences for violating this policy are as follows:

- Students will be subject to interventions and consequences as outlined later in this policy.
- School staff will be subject to disciplinary and/or licensure action as accordance with WV Code 18A-2-8, 18A-3-2a, 18A-3-3, and 18A-3-6.
- Public guest in public schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.

This policy does not supersede any rights granted to special education students by federal or state law or other WV Board of Education Policies.

### **Expected Student Behaviors Violations Levels and Responses.**

This policy classifies student violations of expected student behaviors in four levels.

- Level I – Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others.
- Level II – 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.
- Level III – Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property.

- Level IV – Safe Schools Act Behaviors – are consistent with those addressed in WV Code 18A-5-1a(a) and (b).

**General Provisions**

At each school, complaints of violations will be reported to the principal, assistant principal, or designee. In accordance with West Virginia Professional Code of Conduct, staff members who observe violations are required to report them to the designated official.

Employee failure to report a violation is addressed in WV Code 126CSR142 and West Virginia Board of Education Policy 5310, Performance Evaluation of School Personnel. Possible consequences for failure to report violations may include, but are limited to, verbal or written reprimands; conference with supervisors; and/or development of an employee plan of improvement.

In any case where a violation of state law has occurred, the administration has the right to refer the offense to civil authorities and/or the police.

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

When a student faces multiple charges, each charge constitutes a separate offense.

<p><b>LEVEL I VIOLATIONS: Minimally Disruptive Behaviors</b> - disrupt the educational process and the orderly operations of the school, but do not pose direct danger to self or others.</p>		
<p>*Parent/guardian notification shall be utilized for all behavior consequences beyond a warning. Notification shall be telephonic, electronic, in-person, or through discipline document(s) sent home.</p>		
<p><b>Offenses: Level I offenses shall include but not be limited to misconduct of the following:</b></p>		
<b>Behaviors</b>	<b>Definitions – Level I</b>	<b>Interventions and Consequences</b> (Administrators may utilize any of the interventions and consequences listed above the second and third occurrences in conjunction with the action listed for the second and third offense.)
Cheating	A student will not plagiarize or copy the work of others or break rules to gain advantage in a competitive situation. Interventions for this inappropriate behavior may include academic sanctions in addition to other discipline.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Change of seating</li> <li>• Alternative Assignment for Assessment</li> <li>• Second Occurrence - Detention (One to Two Days)</li> <li>• Third Occurrence – Detention (Two to Five Days)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Zero on academic assignment</li> <li>• Detention (One to Two Days)</li> <li>• Second Occurrence - Detention (Two to Five Days)</li> <li>• Third Occurrence – Saturday Detention</li> </ul>

<p>Deceit</p>	<p>A student will not deliberately conceal or misrepresent the truth, deceive another or cause another to be deceived by false or misleading information.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention (One to Two Days)</li> <li>• Second Occurrence - Detention (Two to Five Days)</li> <li>• Third Occurrence – Saturday Detention</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention (One to Two Days)</li> <li>• Second Occurrence - Detention (Two to Five Days)</li> <li>• Third Occurrence – Saturday Detention</li> </ul>
<p>Disruptive/ Disrespectful Conduct</p>	<p>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.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Administrator/Parent/Student Conference</li> <li>• Behavior Contract</li> <li>• Revocation of privileges</li> <li>• Detention (One to Two Days)</li> <li>• Second Occurrence - Detention (Two to Five Days)</li> <li>• Third Occurrence – Detention or Saturday Detention</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Administrator/Parent/Student Conference</li> <li>• Detention (One to Two Days)</li> <li>• Second Occurrence - Detention (Two to Five Days)</li> <li>• Third Occurrence – Detention or Saturday Detention</li> </ul>
<p>Failure to Serve Detention</p>	<p>A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Administrator/Student conference</li> <li>• Second Occurrence - Detention Doubles and Behavior Contract</li> <li>• Third Occurrence – Move to Level II or Saturday Detention</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> </ul>

		<ul style="list-style-type: none"> <li>• School counseling/intervention</li> <li>• Administrator/Student conference</li> <li>• Second Occurrence - Detention Doubles and Behavior Contract</li> <li>• Third Occurrence – Move to Level II or Saturday Detention</li> </ul>
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.	<p><b>Elementary/Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention (One to Two Days)</li> <li>• Second Occurrence - Detention (Two to Five Days)</li> <li>• Third Occurrence - Detention or Saturday Detention</li> </ul>
Inappropriate Appearance	A student will not dress or groom in a manner that disrupts the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes behavior and/or items prohibited by this policy.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Provide alternative clothing or parents deliver alternative clothing</li> <li>• Second Occurrence - repeat above steps</li> <li>• Third Occurrence - Detention (One to Two Days)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Provide alternative clothing or parents deliver alternative clothing</li> <li>• Second occurrence - Detention (One to Two Days) and provide alternative clothing or parents deliver alternative clothing</li> <li>• Third Occurrence – Detention or Saturday Detention</li> </ul>
Inappropriate Display of Affection	Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Behavioral Contract</li> <li>• Second Occurrence - Revocation of privileges</li> <li>• Third Occurrence - Detention (One to Two Days)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Detention (One to Two Days)</li> </ul>

		<ul style="list-style-type: none"> <li>• Second Occurrence - Revocation of privileges and detention (Two to Five Days)</li> <li>• Third Occurrence – Saturday Detention</li> </ul>
Inappropriate Language	<p>A student will not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group).</p>	<p><b>Elementary/Middle/High</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Behavioral Contract</li> <li>• Revocation of privileges and detention</li> <li>• Detention (One to Two Days)</li> <li>• Second Occurrence – Detention (Two of Five Days)</li> <li>• Third Occurrence – Detention or Saturday Detention</li> </ul>
Possession of Inappropriate Personal Property	<p>A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.</p> <p>A student will not utilize and/or display an electronic/communication device during the school day without express approval from the school administration. A student may possess a cellular telephone or other electronic device on school property, at after school activities and at school-related functions, provided that during school hours and on school vehicles the cellular telephone or electronic device remains off. During school activities when directed by the administrator or sponsor, cellular telephones and electronic devices shall be turned off (not just placed on vibrate or silent mode) and stored out of sight. The use of cellular telephones and other electronic devices shall be strictly prohibited in any areas where individuals have a reasonable expectation of privacy, including but not limited to, locker rooms, classrooms, and bathrooms. Possession of a cellular phone or other electronic device by a student is a privilege, not a right, and this privilege may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege. Cellular telephones and electronic devices are not permitted, in any way,</p>	<p><b>Primary/Intermediate/Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Confiscation of the item by the administrator and/or designee and parent/guardian required to pick up and sign for device</li> <li>• Second Occurrence - Confiscation of the item by the administrator and/or designee and parent/guardian required to pick up and sign for device and detention (One to Two Days)</li> <li>• Third Occurrence - Confiscation of the item by the administrator and/or designee and parent/guardian required to pick up and sign for device and detention (Two to Five Days)</li> </ul>

	<p>to disrupt the educational setting of the school. Violation of this section of the student code of conduct may result in the confiscation of the cellular phone or electronic device for an extended period of time.</p> <p>Parents/guardians may be required to retrieve a confiscated electronic device at the discretion of the school administration. Lewis County Schools shall not be responsible for lost, damaged, or stolen cellular telephones or electronic devices.</p> <p>Parent/guardians are advised to contact their child during the school day by calling the school office.</p>	
<p>Skipping Class or Truancy</p>	<p>In accordance with West Virginia §126CSR81, West Virginia Board of Education Policy 4110, Attendance, a student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or by the parent/guardian.</p>	<p><b>Elementary/Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation or privileges</li> <li>• Letter and meeting from/with Attendance Director</li> <li>• Detention (One or Two Days)</li> </ul>
<p>Tardiness</p>	<p>A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse.</p>	<p><b>Elementary//Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Administrator warning</li> <li>• Revocation of privileges</li> <li>• Detention (One to Two Days)</li> </ul>
<p>Vehicle Parking Violation</p>	<p>A student will not engage in improper parking of a motor vehicle on school property.</p>	<p><b>High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Administrator/Student Conference</li> <li>• Second Occurrence - Loss of Privileges</li> </ul>



**LEVEL II VIOLATIONS: 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. Level II offenses shall include, but not be limited to, any habitual violations of Level I misconduct or any of the following:

\*Parent/guardian notification shall be utilized for all behavior consequences beyond a warning. Notification shall be telephonic, electronic, in-person, or through discipline document(s) sent home.

Offenses: Level II offenses shall include but not be limited to habitual violations of Level I offenses or any misconduct of the following:

Behaviors	Definitions – Level II	Interventions and Consequences (Administrators may utilize any of the interventions and consequences listed above the second and third occurrences in conjunction with the action listed for the second and third offense.)
Gang Related Activity	<p>A student will not, by use of violence, force, coercion, threat of violence or gang activity, cause disruption or obstruction to the educational process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's educational mission. Gang activity includes:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang.</li> <li>• Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.</li> <li>• Recruiting student(s) for gangs.</li> </ul>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Confiscation of item</li> <li>• Revocation of privileges</li> <li>• Detention (One to Three Day)</li> <li>• Second Occurrence - Detention (Three to Five Days) or Saturday Detention</li> <li>• Third Occurrence – Detention or Saturday Detention or OSS</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-Risk Referral if warranted</li> <li>• Confiscation of item</li> <li>• Revocation or privileges</li> <li>• Detention (Three to Five Days), or Saturday Detention</li> <li>• OSS – if severe</li> <li>• Second Occurrence - OSS (Three to Ten Days) and the principal/superintendent may recommend expulsion.</li> </ul>
Habitual Violation of School Rules or Policies	<p>A student will not persistently, as defined by the county, refuse to obey the reasonable and proper orders or directions of school employees, school rules or policies.</p>	<p><b>Elementary/Middle/High</b></p> <ul style="list-style-type: none"> <li>• Saturday Detention</li> <li>• OSS</li> <li>• Recommend Expulsion</li> </ul>
Insubordination	<p>A student will not ignore or refuse to comply with directions or instructions given by school</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> </ul>

	<p>authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.</p>	<ul style="list-style-type: none"> <li>• Behavior Contract</li> <li>• Revocation of privileges</li> <li>• Detention (One to Three Days)</li> <li>• Second Occurrence - Detention (Three to Five Days)</li> <li>• Third Occurrence – Saturday Detention or OSS (One to Three Days)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Behavior Contract</li> <li>• Detention (One to Five Days)</li> <li>• Second Occurrence – Saturday Detention</li> <li>• Third Occurrence - OSS (Three to Five Days)</li> </ul>
<p>Leaving School Without Permission</p>	<p>A student will not leave the school building, campus of school activity for which the student is enrolled without permission from authorized school personnel.</p>	<p><b>Elementary/Middle/High</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Behavior Contract</li> <li>• Administrator/Student Conference</li> <li>• Detention (One to Three Days)</li> <li>• Second Occurrence - Detention (Three to Five Days)</li> <li>• Third Occurrence - Saturday or OSS (One to Three Days)</li> </ul> <p><b><i>If a student leaves school grounds without school permission, law enforcement shall be immediately notified.</i></b></p>
<p>Physical Fight Without Injury</p>	<p>A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Detention (One to Three Days)</li> <li>• Second Occurrence - Detention (Three to Five Days)</li> <li>• Third Occurrence – Saturday or OSS (One to Three Days)</li> </ul> <p><b>Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention with Anger Management</li> <li>• OSS (Three Days)</li> </ul>

		<ul style="list-style-type: none"> <li>• Second Occurrence - OSS (Five Days)</li> <li>• Third Occurrence – OSS (10 Days) with possible recommendation for expulsion</li> </ul>
Possession of Imitation Weapon	A student will not possess any object fashioned to imitate or look like a weapon.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Confiscation of item</li> <li>• Detention or Saturday Detention</li> <li>• Second Occurrence - OSS</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Confiscation of item</li> <li>• Saturday or OSS</li> <li>• Second Occurrence – OSS (5-10 Days) with possible recommendation for expulsion</li> </ul>
Possession of Knife not meeting Dangerous Weapon Definition (West Virginia Code <a href="#">§61-7-2</a> )	A student will not possess a knife or knife-like implement under 3½ inches in length. West Virginia Code <a href="#">§61-7-2</a> clarifies that a pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Confiscation of item</li> <li>• Detention or Saturday Detention</li> <li>• Second Occurrence - OSS</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Confiscation of item</li> <li>• Saturday or OSS</li> <li>• Second Occurrence – OSS (5-10 Days) with possible recommendation for expulsion</li> </ul>
Profane Language/ Obscene Gesture/ Indecent Act Toward... An Employee or A Student	A student will not direct profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This inappropriate behavior includes but is not limited to, verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Detention (One to Three Days)</li> <li>• Second Occurrence - Detention (Three to Five Days)</li> <li>• Third Occurrence – Saturday Detention or OSS</li> </ul> <p><b>Middle School /High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Saturday Detention or OSS</li> </ul>

		<ul style="list-style-type: none"> <li>• Second Occurrence - OSS (Three to Five Days)</li> <li>• Third Occurrence - OSS (Five to 10 Days) with possible recommendation of expulsion</li> </ul>
Technology Misuse	A student will not violate the terms of <a href="#">WVBE Policy 2460</a> , Safety and Acceptable Use of the Internet by Students and Educators.	<p><b>Elementary/Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention (One to Three Days)</li> <li>• Second Occurrence - Detention (Three to Five Days)</li> <li>• Third Occurrence – Saturday or OSS (One to Three Days)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention (One to Five Days)</li> <li>• Second Occurrence - Saturday (One to Three Days)</li> <li>• Third Occurrence - OSS (One to Five Days)</li> </ul>

<p><b>LEVEL III VIOLATIONS: Imminently Dangerous, Illegal and/or Aggressive Behaviors</b> - Are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with West Virginia Code 18A-5-1a, subsections (b) through (h).</p> <p>*Parent/guardian notification shall be utilized for all behavior consequences beyond a warning. Notification shall be telephonic, electronic, in-person, or through discipline document(s) sent home.</p> <p>Offenses: Level III offenses shall include but not be limited to habitual violations of Level I or Level II offenses or any misconduct of the following:</p>		
<b>Behaviors</b>	<b>Definitions – Level III</b>	<b>Interventions and Consequences</b> (Administrators may utilize any of the interventions and consequences listed above the second and third occurrences in conjunction with the action listed for the second and third offense.)
Battery Against a Student	A student will not unlawfully and intentionally injure another student.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• At-risk Referral (if deemed necessary)</li> <li>• Detention, Saturday Detention, or OSS</li> </ul>

		<ul style="list-style-type: none"> <li>• Second Occurrence - OSS (Three to Ten Days)</li> <li>• Third Occurrence – OSS (Ten days with possible recommendation of expulsion)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• OSS (Five to Ten Days) and the principal/superintendent may recommend expulsion</li> <li>• Second Occurrence - OSS (Ten Days) and the principal-superintendent shall recommend student for placement in an alternative education program or expulsion</li> </ul>
Defacing School Property/ Vandalism	A student will not willfully cause defacement of or damage to property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Restoration/Restitution if appropriate</li> <li>• Revocation of privileges</li> <li>• Detention (Three to Five Days)</li> <li>• Second Occurrence - Detention or Saturday Detention</li> <li>• Third Occurrence - OSS (One to Three Days)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Restoration/Restitution if appropriate</li> <li>• Revocation of privileges</li> <li>• Detention or Saturday Detention</li> <li>• OSS (Three to Five Days)</li> <li>• Second Occurrence - OSS (Five to Ten Days)</li> </ul>
False Fire Alarm	A student will not knowingly and willingly set off a fire alarm without cause.  The following code will be enforced for all occurrences: West Virginia §61-6-14. Disturbance of schools, societies, and other assemblies; penalty to include fine and court costs.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention or Saturday Detention</li> <li>• Second Occurrence - OSS</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• OSS (Three to Ten Days)</li> </ul>

		<ul style="list-style-type: none"> <li>• Second Occurrence - OSS (Five to Ten Days) and the principal/superintendent may recommend expulsion</li> </ul>
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.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention (Three to Five Days)</li> <li>• Second Occurrence – Saturday Detention or OSS</li> <li>• Third Occurrence - OSS</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Detention or Saturday Detention</li> <li>• Second Occurrence – OSS (One to Three Days)</li> <li>• Third Occurrence - OSS (Five to 10 Days)</li> </ul>
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.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Second Occurrence - Detention (One to Three Days)</li> <li>• Third Occurrence - Detention (Three to Five Days)</li> </ul> <p><b>Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Detention (One to Three Days)</li> <li>• Second Occurrence - Detention (Three to Five Days)</li> <li>• Third Occurrence – Detention or Saturday Detention</li> </ul>
Hazing	A student will not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention (Five to Ten Days)</li> <li>• Second Occurrence - Detention or Saturday Detention</li> <li>• Third Occurrence – Saturday or OSS</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> </ul>

	organization, including both co-curricular and extra-curricular activities.	<ul style="list-style-type: none"> <li>• Revocation of privileges</li> <li>• OSS (One to Ten Days) and the principal/superintendent may recommend expulsion</li> <li>• Second Occurrence – OSS - Ten Days and the principal/superintendent shall recommend student for expulsion</li> </ul>
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.	<p><b>High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Loss of parking privileges</li> <li>• Saturday Detention or OSS (One to Five Days)</li> <li>• Second Occurrence - OSS (Three to Five Days)</li> <li>• Third Occurrence - OSS (Five to Ten Days) and permanent loss of parking privileges</li> </ul>
Larceny	A student will not, without permission, take another person's property or have another person's property in his or her possession. Property valued at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with West Virginia Code <a href="#">§61-3-13</a> .	<p><b>Elementary/Middle/High</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Restoration/Restitution if appropriate</li> <li>• Detention or Saturday Detention</li> <li>• Second Occurrence – Saturday Detention or OSS</li> <li>• Third Occurrence - OSS (Five to Ten Days)</li> </ul>
Sexual Misconduct	A student will not publicly and indecently expose themselves, display or transmit any drawing or photograph of a sexual nature, or commit an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• Revocation of privileges</li> <li>• Saturday Detention or OSS</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent shall recommend student for placement in an alternative education services</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• Revocation of privileges</li> <li>• OSS (One to Ten Days) and the principal and/or superintendent may recommend placement in an alternative education services or expulsion</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent shall</li> </ul>

		recommend student for placement in an alternative education services or expulsion
Threat of Injury/Assault Against... An Employee A Student	A student will not threaten (verbal or written) or attempt to injure another student, teacher, administrator or other school personnel. [This includes assault on a school employee defined in West Virginia Code <a href="#">§61-2-15</a> ].	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification/conference</li> <li>• School counseling/intervention</li> <li>• At-risk referral</li> <li>• Revocation of privileges</li> <li>• OSS (One to Three Days)</li> <li>• Second Occurrence - OSS (Three to Five Days)</li> <li>• Third Occurrence - OSS (Five to Ten Days) and the principal/superintendent shall recommend student for placement in an alternative education services</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• At-risk Referral</li> <li>• OSS (Three to Ten Days) and the principal/superintendent may recommend placement in an alternative education services or expulsion</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent shall recommend student for placement in an alternative education services or expulsion</li> </ul>
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.	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• At-risk Referral</li> <li>• OSS (One to Three Days)</li> <li>• Second Occurrence - OSS (Three to Five Days)</li> <li>• Third Occurrence - OSS (Five to Ten Days)</li> </ul> <p><b>Middle/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• OSS (One to Five Days)</li> </ul>



		<ul style="list-style-type: none"> <li>• Second Occurrence - OSS (Five to Ten Days)</li> <li>• Third Occurrence - OSS (Ten Days) and the principal/superintendent shall recommend expulsion.</li> </ul>
<p>Harassment/ Bullying/ Intimidation</p>	<p>A student will not bully/intimidate/harass another student. According to West Virginia Code <a href="#">§18-2C-2</a>, “harassment, intimidation or bullying” means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:</p> <ul style="list-style-type: none"> <li>• A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student’s property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property;</li> <li>• Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or</li> <li>• Disrupts or interferes with the orderly operation of the school.</li> </ul> <p>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.</p> <p>Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• At-risk Referral</li> <li>• Detention, Saturday Detention, or OSS</li> <li>• Second Occurrence - Detention, Saturday Detention, or OSS</li> <li>• Third Occurrence - OSS (Five to Ten Days) and the principal/superintendent may recommend student for placement in an alternative education program</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• Revocation of privileges</li> <li>• Saturday Detention or OSS</li> <li>• Second Occurrence – OSS (Three to 10 Days)</li> <li>• Third Occurrence - OSS (Ten Days) and the principal/superintendent may recommend student for expulsion</li> </ul>

	<p>expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.</p> <p>When harassment, intimidation or bullying are of a racial, sexual and/or religious/ethnic nature, the above definition applies to all cases regardless of whether they involve students, staff or the public. Detailed definitions related to inappropriate behavior of this nature are as follows:</p> <p><u>Sexual harassment</u> 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:</p> <ul style="list-style-type: none"> <li>• submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or</li> <li>• submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or</li> <li>• creating an intimidating, hostile or offensive employment or educational environment.</li> </ul> <p>Amorous relationships between county board employees and students are prohibited.</p> <p>Sexual harassment may include but is not limited to:</p> <ul style="list-style-type: none"> <li>• verbal harassment of a sexual nature or abuse;</li> <li>• pressure for sexual activity;</li> <li>• inappropriate or unwelcome patting, pinching or physical contact;</li> </ul>	
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	<ul style="list-style-type: none"> <li>• sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;</li> <li>• behavior, verbal or written words or symbols directed at an individual because of gender; or</li> <li>• the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate/culture or opportunities.</li> </ul> <p><u>Racial harassment</u> consists of physical, verbal or written conduct relating to an individual's race when the conduct:</p> <ul style="list-style-type: none"> <li>• has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;</li> <li>• has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or</li> <li>• otherwise adversely affects an individual's employment or academic opportunities.</li> </ul> <p><u>Religious/ethnic harassment</u> consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:</p> <ul style="list-style-type: none"> <li>• has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;</li> <li>• has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or</li> <li>• otherwise adversely affects an individual's employment or academic opportunities.</li> </ul> <p><u>Sexual violence</u> is a physical act of aggression or force or the threat</p>	
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	<p>thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;</li> <li>• coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;</li> <li>• coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or</li> <li>• threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.</li> <li>• threatening or forcing exposure of intimate apparel or body parts by removal of clothing.</li> </ul> <p><u>Racial violence</u> is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.</p> <p><u>Religious/ethnic violence</u> is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.</p>	
<p>Imitation Drugs: Possession, Use, Distribution or Sale</p>	<p>A student will not possess, use, distribute or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification/conference</li> <li>• At-risk Referral</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention or (Three to Five Days)</li> <li>• Second Occurrence - OSS (One to Five Days)</li> <li>• Third Occurrence - OSS (Five to Ten Days)</li> </ul>

		<p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral (if deemed necessary)</li> <li>• Revocation of privileges</li> <li>• Saturday Detention or OSS (Three to Ten days)</li> <li>• Second Occurrence - OSS (Five to Ten Days) and the principal/superintendent may recommend expulsion</li> <li>• Third Occurrence - OSS (Ten Days) and the principal/superintendent may recommend expulsion.</li> </ul>
Inhalant Abuse	<p>A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of “getting high”. The action may be referred to as huffing, sniffing, dusting and/or bagging.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Parent Guardian notification/conference</li> <li>• At-risk Referral</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention or Saturday Detention</li> <li>• Second Occurrence – Saturday Detention or OSS</li> <li>• Third Occurrence - OSS (Three to Ten Days) and the principal/superintendent may recommend placement in an alternative education services</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification/conference</li> <li>• At-risk Referral</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Saturday Detention or OSS (Three to Ten days)</li> <li>• Second Occurrence - OSS (Five to Ten Days) and the principal/superintendent may recommend expulsion</li> <li>• Third Occurrence - OSS (Ten Days) and the principal/superintendent may recommend expulsion.</li> </ul>
Possession/Use of Substance Containing Tobacco and/or Nicotine	<p>A student will not unlawfully possess, use or be under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale</p>	<p><b>Elementary</b></p>

	<p>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.</p> <p><u>Special considerations according to West Virginia Code §16-9A-4.</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.</li> </ul> <p>An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy <a href="#">2422.8 - Medication Administration</a> must be followed in order for students to use such products on school property or at school sponsored events.</p>	<ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Law enforcement notification for citation</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Detention</li> <li>• Second Occurrence – Saturday or OSS (Three to Five Days)</li> <li>• Third Occurrence - OSS (Three to Ten Days)</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Parent/Guardian notification</li> <li>• Law enforcement notification for citation</li> <li>• School counseling/intervention</li> <li>• Revocation of privileges</li> <li>• Referral to cessation program</li> <li>• Alternative-To-Suspension (ATS) - Tobacco education program. Failure of the student to attend will result in students being issued OSS (One to Three Days)</li> <li>• Second Occurrence - OSS (Three to Five Days)</li> <li>• Third Occurrence - OSS (Five to Ten Days)</li> </ul> <hr/> <p><b>Prevention Education:</b> Required Health Education Program of Study (WV Board of Education Policy 2520.5) shall be coordinated with Safe and Drug Free school activities and programs to provide a comprehensive K-12 tobacco prevention curriculum for all children in the county. School administration, Local School Improvement Councils and School Curriculum Teams shall assure that prevention education efforts are coordinated and age-appropriate in accordance with:  WV State Board of Education Policy 2520.5, 21<sup>st</sup> Century Health Education 5-12 Content Standards and Objectives for WV Schools, and  Safe and Drug Free School Guidelines.</p>
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**LEVEL IV: Safe Schools Act Behaviors - are consistent with those addressed in West Virginia Code §18A-5-1a(a) and (b).** The following Level IV behavior definitions are aligned with West Virginia Code §§61-6-17, 61-6-24, and 18A-5-1, and in the [Gun-Free Schools Act of 1994](#). These laws require that the principal, superintendent and county board address Level IV behaviors in a specific manner as outlined in West Virginia Code §18A-5-1a, which includes possessing deadly weapons on premises of educational facilities, possessing controlled substance on premises of educational facilities, assaults and batteries committed by pupils upon teachers or other school personnel.

- **Law enforcement shall be immediately notified for all Level IV violations.**
- **DHHR notification if deemed necessary by school administration or law enforcement**
- **Parent shall be notified in all Level IV violations and shall meet in person with the school administrator as soon as possible and invite them to be present during the interview of the student, provided that such notification does not compromise overall school/student safety.**

Offenses: Level IV offenses shall include but not be limited to habitual violations of Level I, II, or IV offenses or any misconduct of the following:

Behaviors		Interventions and Consequences (Administrators may utilize any of the interventions and consequences listed above the second and third occurrences in conjunction with the action listed for the second and third offense.)
Battery Against a School Employee	A student will not commit a battery by unlawfully and intentionally making physical contact of an insulting or provoking nature with the person of a school employee as outlined in West Virginia Code <a href="#">§61-2-15(b)</a> .	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for placement in an alternative education program or expulsion for 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for 12 months.</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend for expulsion for 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b></li> </ul>

		recommend the student for expulsion for 12 months.
Possession and/or Use of Dangerous Weapon	<p>According to West Virginia Code <a href="#">§18A-5-1a(a)</a>, a student will not possess a firearm or deadly weapon as defined in West Virginia Code <a href="#">§61-7-2</a>, on any school bus, on school property or at any school-sponsored function as defined in West Virginia Code <a href="#">§61-7-11a</a>.</p> <p>As defined in West Virginia Code <a href="#">§61-7-2</a>, a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for placement in an alternative education program or expulsion for 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for 12 months.</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend for expulsion for 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for 12 months.</li> </ul>
<p>Illegal Substance Related Behaviors</p> <p>Selling Narcotic Drug</p>	<p>Violation of WV Code 18A-5-1a(a)(iii) which is selling a narcotic drug, as defined in section one hundred one, article one, chapter sixty-a of this code, on the premises of an educational facility, at a school-sponsored function or on a school bus</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for placement in an alternative education program or expulsion for 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for 12 months.</li> </ul>



		<p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend for expulsion for 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for 12 months.</li> </ul>
Felony	<p>A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in West Virginia Code <a href="#">§18A-5-1a(b)(i)</a>. Such acts that would constitute a felony include, but are not limited to, arson (West Virginia Code <a href="#">§61-3-1</a>), malicious wounding and unlawful wounding (West Virginia Code <a href="#">§61-2-9</a>), bomb threat (West Virginia Code <a href="#">§61-6-17</a>), sexual assault (West Virginia Code <a href="#">§61-8B-3</a>), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code <a href="#">§61-6-24</a>) and grand larceny (West Virginia Code <a href="#">§61-3-13</a>).</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for placement in an alternative education services or expulsion.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion.</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion</li> </ul>
Illegal Substance Related Behaviors	<p>A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code <a href="#">§60A-1-101, et seq.</a> or</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b></li> </ul>

	<p>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.</p>	<p>recommend the student for placement in alternative education services or expulsion for a minimum of the remainder of the semester or up to 12 months.</p> <ul style="list-style-type: none"> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for a minimum of the remainder of the semester or up to 12 months.</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for a minimum of the remainder of the semester or up to 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>shall</b> recommend the student for expulsion for a minimum of the remainder of the semester or up to 12 months.</li> </ul>
<p>Illegal Substance Related Behaviors</p>	<p>This includes violations of WVBE Policy <a href="#">2422.8 - Medication Administration</a> and instances of prescription drug abuse.</p>	<p><b>Elementary</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling/intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>may</b> recommend the student for placement in alternative education services or expulsion for a minimum of the remainder of the semester or up to 12 months.</li> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>may</b> recommend the student for expulsion for a minimum of the remainder of the semester or up to 12 months.</li> </ul> <p><b>Middle School/High School</b></p> <ul style="list-style-type: none"> <li>• Law enforcement notification</li> <li>• Parent/Guardian notification</li> <li>• School counseling intervention</li> <li>• At-risk Referral</li> <li>• OSS (Ten Days) and the principal/superintendent <b>may</b></li> </ul>

		<p>recommend the student for expulsion for a minimum of the remainder of the semester or up to 12 months.</p> <ul style="list-style-type: none"> <li>• Second Occurrence - OSS (Ten Days) and the principal/superintendent <b>may</b> recommend the student for expulsion for a minimum of the remainder of the semester or up to 12 months.</li> </ul>
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#### **Level IV Disciplinary Procedures Specific to Level IV**

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

When the Lewis County Board of Education expels a student, it may attempt to establish the student as a “dangerous student” as defined in W.Va. Code §18A-5-1a, at a hearing to determine the expulsion of the student. In a notice to 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.

- i. W.Va. Code §18A-5-1a defines a “dangerous student” as a student who is substantially likely to cause serious bodily injury to himself, herself or another individual within that student’s educational environment, which may include any alternative education environment as West Virginia Board of Education Policy §126CSR20 (Alternative Education Programs for Disruptive Students), as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense.
- ii. If the Lewis County Board of Education expels a student, and finds that the student is a dangerous student, it may refuse to provide alternative education pursuant to the conditions outlined in W.Va. Code §18A-5-1a but must reevaluate this decision at least every three months.

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

#### **Guidelines for Suspension and Expulsion**

Suspension is considered a temporary solution to a violation of the Student Code of Conduct until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days. A student is entitled to an informal hearing when faced with a suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why he/she should not be suspended. However, a student whose conduct is detrimental to the progress and general conduct of the school may be suspended immediately and a hearing held as soon as practical after the suspension. A student may not participate in any school-sponsored activities or be

permitted on school grounds during the period of suspension without permission of school officials. Other procedures the school must follow when dealing with suspensions are outlined in W.Va. Code §17A-5-1a.

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

Superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in W.Va. Code §18A-51a.

W.Va. Code §18A-5-1 and §18A-5-1a require mandatory suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for possession of a deadly weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion are outlined in W.Va. Code §18A-5-1 and §18A-51a.

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

### **Complaint Procedures**

All violations of the Student Expectations observed by school employees or by students must be reported to the principal or their designee for appropriate action to be taken as specified in this policy.

### **Victim of Violations**

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

### **Investigator Training**

All designated investigators/school-level administrators shall be given training by Lewis County Schools on an annual basis regarding proper investigative and reporting procedures.

### **Investigation Procedures**

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

The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator. When any student is to be

interviewed in connection with an investigation pursuant to a Level III or 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 discretionary at Level I.

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

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

In determining the appropriate response and/or punishment for a Level I, II, or III violation, the principal, superintendent or local board of education will consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. When a county board of education expels a student for twelve months for a Level IV violation, the county superintendent, under WV Code §18A-5-1a, still has the power to reduce the student's punishment, if the superintendent finds it disproportionate to the student's actions. However, the superintendent must make a public record of this decision, and provide the reason for the reduction, as set forth in the statute.

The investigation will be completed as soon as practicable, but no later than ten (10) school days (days school is in session) following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period. The investigator shall make a written report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. Lewis County procedures for the recording and filing of these reports at the local level are as follows:

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

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.

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

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

The principal or superintendent shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with the county's plan developed pursuant to §126-99-5, above.

The principal, superintendent or designee shall promptly enter the required disciplinary data into the West Virginia into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of Policy 4373.

## **Reprisal**

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

## **Right to Alternative Complaint Procedures**

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

## **Dissemination of Policy and Training**

This manual will be available on the county's website and through a request with the school principal or the Superintendent's designee.

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

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

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

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

Lewis County Schools will use the criteria set forth below to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated violations at each school as set forth below will be collected using WVEIS.

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

- i. Battery on a school employee [WV Code 61.2.15 (b)]
- ii. Commission of an act or conduct that would constitute a felony under the laws of the state.

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

Sale of a narcotic drug as defined in WV Code 60A-1-101 on the premises of an educational facility, at a school sponsored function, or on a school bus.

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

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

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

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

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

### **Prevention and Intervention Training**

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

### **Failure to Report Violations**

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

### **Parental Notifications and Permissions**

Lewis County Schools shall maintain collaborative relationships with law enforcement, Department of Health and Human Services, Child and Adult Protective Services and other authorized officials as deemed appropriate by the superintendent. In these working relationships, the following notifications are provided to parents and students:

- Students have a right under federal and state constitutions not to incriminate themselves about a crime when questioned on school grounds by an individual who is acting in the capacity of law enforcement official.

- Students do not have a constitutional right against self-incrimination when being questioned by school officials or Prevention Resource Officers or other officers assigned to work in the schools that are investigating school-related misconduct.
- In cases involving Child or Adult Protective Services, an administrator or designee shall ask a student if he/she wants an administrator or designee to be present with him/her during the interview.
- When a student is considered to be a suspect in a crime by law enforcement, law enforcement may question students 16 years of age or older without a parent present. The administration shall make every attempt to contact the parent prior to questioning.
- Students who are 14-15 years old may only be questioned by law enforcement when a parent is present. The administration shall contact the parent to come to the school.
- Students who are under age 14 years old may only be questioned by law enforcement when a parent is present and must be provided counsel. Administration shall work with the PRO and arrange communication between the parent(s) and officer. If necessary, law enforcement will contact the Lewis County Prosecutor's Office to produce an order to appoint counsel to the student. The student's name, address, date of birth, and parent information shall be provided to the Prosecutor's Office at the time of this process.
- If a parent is suspect in the abuse/neglect of a student, the administration shall contact law enforcement, WVDHHR, and the Director of Safety and Discipline. Permission to contact the parent can only be granted to the administrator with the authority of the law enforcement in these cases.
- Students are entitled to be informed of their right against self-incrimination if they are in a custodial setting; however, if students are in a custodial setting, 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 who are investigating school related misconduct.

### **Collaboration with Law Enforcement**

Police have the responsibility to enforce laws in order to protect all citizens. It is the duty of Lewis County employees, visitors and students to cooperate with the police and each other to ensure that the rights of all involved are respected.

Prevention Resource Officers (PRO) are certified police officers, working as full time officers who have been assigned to work full time within a public school during the school year. This position will be supervised by the principal while present in the school. There may be a time when, during the course of a PRO's duties, the position as an officer would take precedence.

If a police officer is contracted by an individual school (i.e. extracurricular activities) or the school system and is not identified as a PRO, his/her position as a police officer during the course of his/her duties takes precedence at all times.

Police Conducting an Investigation in the School: During a criminal investigation, if a student is to be questioned by the police or by school officials in the presence of the police, the school administration should cooperate with the police and help to ensure that the privacy of the student is protected.

The administration shall make every attempt to notify parent/guardian, regardless of the student's age, prior to the police interview unless the parent/guardian is the accused.

The police officer is responsible to ensure that the student's constitutional rights are not violated. The police officer is responsible for determining if counsel should be contacted prior to questioning.

WV Code §49-5-2 specifies that statements made by a student under the age of fourteen, while being questioned by law enforcement officials, cannot be used in a court proceeding unless his or her lawyer is present. 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.

The police officer shall determine when the use of restraints is necessary during such questioning to control an unruly student or to prevent the student from harming him/herself or others.

Law enforcement is permitted to speak with a juvenile or employee without counsel if they are a witness, and *not* considered a suspect, and will not be placed in the position of incriminating themselves.

School employees shall cooperate by giving oral, video, or written statement, as deemed necessary by law enforcement.

### **Search and Seizure**

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

### **Use of Restraint**

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

In a situation when a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction, restraint may be used by a school employee or independent contractor in an emergency with the following limitations:

- Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency
- Procedures and maneuvers that restrict breathing (e.g. prone restraint), place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat, or may cause physical harm are prohibited.
- Restraint shall be discontinued at the point at which the emergency no longer exists.
- Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- Restraint shall not deprive the student of basic human necessities.

Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; however, the application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

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

- A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process.
- The team must include an administrator or designee and any general or special education personnel likely to use restraint;

- Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 days following the use of restraint if the principal determines that there is a reasonable likelihood that the situation leading to the use of restraint will reoccur;
- Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint;
- All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports; Comprehensive documentation and immediate notification on use of restraint is required.

In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements:

- Within one hour following restraint, principal provides written and verbal notification that restraint was used on a student with a description of the restraint used
- During the same day, an effort shall be made to verbally notify the parents/guardian.
- Within one school day, written notification of restraint must be placed in the mail to the parent/guardian.
- Within one school day, written documentation must be placed in the student's official school record and made available to determine the relationship of a student's behavior as it impacts learning and the creation or revision of a behavior intervention plan.

If law enforcement is contacted to assist with a student who is exhibiting unruly behavior, the school and school's core team shall have exhausted all training procedures possible for restraint.

## 5.5 Alternative Education

**Applicability** - These regulations apply to the Lewis County Schools Alternative Learning Center (ALC) which serves disruptive students.

**Definition** - The Alternative Learning Center (ALC) provides instructional programming for students expelled for disciplinary reasons from the Lewis County schools. Through the IEP process and/or with the permission of the ALC director and the superintendent, the ALC may also serve as the educational site for students who need a temporary placement out of the regular school environment for academic, physical or mental health reasons.

**Purpose** - To provide continuity in academic instruction for students who have been removed from school on a long-term basis for violation of school discipline policies or the Safe and Drug-Free School Act and for students unable to maintain appropriate behavior in the school due to disability or extenuating circumstance.

**Eligibility and Placement** - The Lewis County Board of Education is responsible for the expulsion of students for serious disciplinary infractions and for the subsequent assignment to the ALC. Special education students who have not violated the discipline policy, but could benefit from a temporary assignment to the ALC may be recommended for such assignment by the Individualized Education Plan (IEP) team. Placement of a non-special education student who may benefit from temporary assignment to the ALC will only be allowed with the permission of the ALC director and school supervisor.

**Duration and Location of Services** - The number of days of assignment to the ALC for students expelled from school will be established by the LC Board of Education. The number of days assigned to the ALC for a special education student will be determined by the IEP team.

The ALC will be operated on a school schedule with opening and closing time commensurate with other schools in the district. The ALC will be housed at a site away from the school campuses. The LCS Food Service Program will provide lunches.

State and county special education regulations for programming and discipline will be followed for special education students assigned to the ALC.

**STAFFING.** At least one full-time certified teacher and a part-time instructional aide would staff the ALC.

### Individualized Student Plan

For all students placed in the ALC, an Individualized Student Plan (ISP) will be developed by a team which includes, at minimum: School Principal, Counselor, ALC Supervisor, an ALC staff member, Parent and Special Education Case Manager (if applicable). The ISP will delineate the coursework to be completed for the duration of the ALC placement and will include: student's schedule of classes, instructor(s) responsible for lesson planning and grading, Credit Recovery courses assigned via computer, Virtual School classes assigned, and persons responsible for grade entry into grade reporting system. The ISP will also include information on academic/behavior/ health concerns, services from outside agencies, transportation to and from ALC, and the criteria for student's return to school setting. For students expelled from school, a shortened expulsion time and early return to the school can only be authorized by the superintendent. The expectations for compliance with school rules will be stipulated in a written contract to be agreed upon by student, parent/guardian, principal, and superintendent.

### PROGRAM EVALUATION

The Lewis County schools shall conduct an annual evaluation of the effectiveness of the alternative education program by: a) determining the number of incidents requiring assignment to the ALC, and b)

conducting a formal review of policies and procedures by school administration to determine the need for improvements in the ALC program.

## **5.6 Computer Acceptable Use Policy (AUP) – Student Access to Networked Information Resources for grade Pre-K-12**

Lewis County Schools recognizes that as telecommunications and other new technology shift the ways that information may be accessed, communicated and transferred by members of the society, those changes may also alter instruction and student learning. Lewis County generally supports access by students to rich information sources along with the development by staff of appropriate skills to analyze and evaluate such resources. In a free and democratic society, access to information is a fundamental right of citizenship.

### **EDUCATIONAL PURPOSES:**

An effective public education system develops students who are globally aware, engaged with their communities, and capable of managing their lives and careers to succeed in a digital world. Students and educators require the necessary skills and access to technology tools to take responsibility for their own learning, to be actively involved in critical thinking and problem solving, to collaborate, cooperate, and to be productive citizens. Lewis County students must develop proficiency in 21st century content, technology tools, and learning skills to succeed and prosper in life, school, and on the job.

Technology must be interwoven with educational improvements and personalized learning to increase student achievement. To promote student learning, teachers must be equipped to fully integrate technology to transform instructional practice and to support student acquisition of technology skills. The use of instructional technology should provide greater student access to advanced and additional curricular offerings, including virtual courses and online distance educational tools.

The promotion of acceptable use in instruction and educational activities is intended to provide a safe digital environment, as well as meet Federal Communications Commission (FCC) guidelines and E-rate audits. See links at <http://wvde.state.wv.us/technology/policy2460.php>

### **DIGITAL CITIZENSHIP**

Digital citizenship represents more than technology literacy. Successful, technologically fluent digital citizens live safely and civilly in an increasingly digital world and use technology responsibly. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual's life and career.

All users need to be part of this digital citizenry to appropriately and safely learn, work, play, and live in today's global society. The International Society for Technology in Education (ISTE) has identified nine elements of digital citizenship.

- Digital Access – full electronic participation in society.
- Digital Commerce – the buying and selling of goods online.
- Digital Communication – the electronic exchange of information.
- Digital Literacy – the capability to use digital technology and knowing when and how to use it.
- Digital Etiquette – the standards of conduct expected by other digital technology users.
- Digital Law – the legal rights and restrictions governing technology use.
- Digital Rights and Responsibilities – the privileges and freedoms extended to all digital technology users, and the behavioral expectations that come with them.
- Digital Health and Wellness – the elements of physical and psychological well-being related to digital technology use.
- Digital Security – the precautions that all technology users must take to guarantee their personal safety and the security of their networks.

### **Digital/Network Etiquette**

- Be polite. Do not write or send abusive messages to others.

- Use proper English and appropriate language; avoid “Netspeak.” Do not swear; do not use vulgarities or other inappropriate language.
- Use extreme caution when revealing personal information, including a home address and phone number, on web sites, blogs, podcasts, videos, wikis, email or as content on any other electronic medium.
- Do not reveal, on any electronic medium, personal information about another individual.
- Do not use the Internet in a way that would disrupt the use of the Internet by others (e.g., downloading huge files , sending mass e-mail messages; or disclose secured network passwords).
- Only publish student pictures or names on class, school or district web sites that are part of the district/school directory information or when appropriate permission has been obtained. (Also see W.Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data.)

### **Digital Security**

Users who identify a security problem on the system must notify a system administrator immediately. Users must not use another individual’s account or give their passwords to others. Unauthorized attempts to log into the system as a system administrator will result in revocation of user privileges based on state, county, or school policies. Any user identified as a security risk or having a history of problems with other computer systems may be denied access by the appropriate disciplinary authority.

### **ACCOUNTABILITY AND RESPONSIBILITY**

The acceptable and appropriate use of telecommunications and/or access to the Internet and digital resources is an extension of an educator’s responsibility in his/her classroom. Educators occupy a position of trust and stand in the place of a parent or guardian while a student is in school. Therefore, it is the educator’s responsibility to ensure classroom activities focus on appropriate and specific learning goals and objectives for personalized learning when using Internet-related technologies. Student use of the Internet-related or web-based applications must be authorized by the educator and parent or guardian through the approved process.

### **Lewis County Board of Education Responsibilities**

Lewis County will have a county technology team and a comprehensive technology plan that is included as part of the Five-Year Online Strategic Plan.

Policy 1520.14 shall be included in all programs of student and at all grade levels.

Lewis County will make available facilities and technology to accommodate distance learning and access to virtual courses provided through the WV Virtual School and approved course providers.

Lewis County Schools, shall, to the extent practical and as funds and other resources are available, provide students (including those enrolled in adult basic education), teachers, parents and citizens access to technology, in the public schools during non-school hours and in accordance with E-rate guidelines.

Lewis County Board of Education shall provide professional development in the use of technology and its application in the teaching and learning process.

Lewis County Board of Education shall provide technology repair services through RESA VII.

Technology Integration Specialists (TIS) shall be provided to allow teachers and students to have access to technical support as needed.

The WVDE and approved service provider(s) can monitor only the e-mail accounts issued to the “k12.wv.us” server. Non-“k12.wv.us” e-mail accounts should not be used for school/educational purposes.

Lewis County Board of Education shall block and filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors. Internet safety and digital citizenship instruction will be provided and documented through the use of Common Sense Media Projects at all grade levels.

Therefore, the Lewis County Board of Education will provide filtering software on all school/district owned equipment that is used off site.

Students and staff are expected to use district and school owned technology in a responsible, efficient, ethical, and legal manner in accordance with the educational mission of the state, district and school. The use of such technologies may be restricted or revoked for inappropriate behavior or use. Students and staff are required to use district and school owned equipment and networks. Unauthorized or unacceptable use of personal technology devices by students may result in suspension or revocation of personal device privileges. These uses include, but are not limited to, the following:

- Using personal devices to gain or give an advantage in a testing situation.
- Using personal devices during class that are not approved by the school or the individual teacher (e.g. cell phones, smart phones, tablets, digital cameras, MP3 players and laptops).
- Downloading and installing district licensed software on personal devices unless specifically allowed by the licensing agreement. Personally licensed software should not be installed on district/school owned equipment.
- Using personal devices to bypass filtering, circumvent network security, or in violation of the acceptable use standards which normally apply to district-owned technology.
- Using personal devices for violations related to cyber bullying and harassment.

### **School Responsibilities**

Local school improvement councils shall include in the Five-Year Online Strategic Plan mechanisms to foster the use, to the extent practicable and as funds and other resources are available, of school facilities for the purpose of accessing technology by students, teachers, parents and citizens during non-school hours and in accordance with E-rate guidelines.

Every school shall have a school technology team and a comprehensive technology plan that is part of the Five-Year Online Strategic Plan. Schools may choose to have the LSIC, faculty senate or the curriculum team serve as the technology team.

Policy 2520.14 shall be taught and utilized throughout all the programs of study and at all grade levels. Five-Year Online Strategic Plan will include necessary professional development to enable teachers to incorporate technology into the classroom.

On a global network, it is impossible to restrict access to all controversial materials. It is the responsibility of the student, parent, teacher and administrator to follow the acceptable use policies, as well as state and federal laws, so that access to telecommunications networks, computers, and the Internet provided by the school, county, RESA and state educational systems are not abused.

Schools must enforce the use of filtering or electronic technical protection measures during any use of the computer/devices to access the Internet. Encryption of all wireless access points for E-rated Internet access provided via the K-12 network or otherwise is required.

Schools must follow the guidelines of CIPA and Children's Online Privacy Protection federal statutes (COPPA).

### **Educator, Service Personnel and Staff Responsibilities**

- It is imperative that a clear line be drawn between personal social networking and professional/educational networking to protect the safety of the students and the integrity of educational professionals and service staff.
- In order to assist educators in maintaining a professional relationship with students and to avoid situations that could lead to inappropriate relationships between school personnel and students, the following regulations apply to all school personnel in public schools. Failure to adhere to these regulations may result in disciplinary action and/or loss of licensure:
- School personnel will maintain a professional relationship with all school students, both inside and outside the classroom and while using any form of social media and other electronic communication. Unethical conduct includes but is not limited to committing any act of harassment as defined by WVBE and/or district policy; committing or soliciting any sexual act from any minor or any student regardless of age; soliciting, encouraging, or consummating a romantic or inappropriate relationship with a student, regardless of the age of the student; using inappropriate language including, but not limited to, swearing and improper sexual comments; taking inappropriate pictures (digital, photographic or video) of students or exchanging any inappropriate

pictures with students; or engaging in any other behavior that constitutes a violation of district or county policy or that is detrimental to the health and welfare of students.

- The viewing, storing, transmission or downloading of pornography or sexually suggestive or sexually explicit material or text on a work computer or other electronic storage or communication device, whether at home or at work, by school personnel or anyone else to whom the school personnel has made the computer or other electronic storage or communication device available, is prohibited. This same prohibition applies to a personal computer or other electronic storage or communication device while at school or during a school activity.
- All information stored within work computers or servers is the property of the state, county or school, and the personnel using such computers/servers/networks have no expectation of privacy with respect to its contents.
- With appropriate professional development, educators will promote and model acceptable use, digital citizenship and online responsibility to support personalized learning and digital-age assessments to meet the educational learning policies, including Policy 2520.14 for all students.
- Teachers, specialists, and other supervising adults will teach and discuss the appropriate use of electronic resources, technologies and the Internet with their students, monitor their use, and intervene if the uses are not acceptable.
- School personnel who receive information via any electronic resource, including a social networking site, that falls under the mandatory reporting requirements of W.Va. Code 49-6A-2, must report as indicated in W.Va. Code.
- Staff members should be careful not to use copyrighted material in a manner that violates copyright law. Training should be provided to all school personnel on copyright laws.
- School personnel are responsible for protecting their passwords associated with their computers and e-mail address and must not make them accessible to others.

## **Use of Electronic Resources, Technology and the Internet**

### **Overview of Use**

Unauthorized or unacceptable use of the Internet or any safety violations as part of an educational program by students, educators or staff may result in suspension or revocation of such use.

Each student who will access the Internet will be provided acceptable use training and shall have an acceptable use form, signed by a parent or legal guardian, on file at the school.

The WVDE provides the network system, e-mail accounts and Internet access as tools for education and administration in support of the WVBE's mission, including student mastery of rigorous subject matter content and acquisition of global skills. Therefore, users should have no expectation of privacy; and the WVDE reserves the right to monitor, inspect, investigate, copy, review and store, without prior notice, information about the content and usage of:

- The network and system files;
- User files and disk space utilization;
- User applications and bandwidth utilization;
- User document files, folders and electronic communications;
- E-mail;
- Internet access; and
- Any and all information transmitted or received in connection with networks, e-mail use and web-based tools.

No student or staff user should have any expectation of privacy when using the district's network. The WVDE reserves the right to disclose any electronic message, files, media, etc., to law enforcement officials or third parties as appropriate.

No temporary accounts will be issued, nor will a student use an Internet account not specifically created for him or her that allows anonymous posting. Based upon the acceptable use and safety guidelines



outlined in this document, WVDE, State Superintendent of Schools and provider(s) system administrators will determine what appropriate use is, and their decision is final.

The system administrator and/or local teachers may deny users access for inappropriate use.

Additionally, violation of use policies could result in loss of access, personal payment of fees incurred, employment discipline, licensure revocation and/or prosecution. Other violations may also be found in Policy 4373.

The WVDE's administrative information systems, including the West Virginia Education Information System (WVEIS), are to be used exclusively for the business of respective state, county district and school organizations. All information system data are records of the respective organizations. The WVDE reserves the right to access and disclose all data sent over its information systems for any purposes. All staff must maintain the confidentiality of student data in accordance with The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g; 34 CFR Part 99).

For reasons of privacy, employees may not attempt to gain access to another employee's files in the WVDE's information systems. However, the WVDE reserves the right to enter an employee's information system files whenever there is a business need to do so.

Any of these guidelines are to be cognizant of and superseded by FERPA and other appropriate federal and state laws.

### **Acceptable Use**

The use of the electronic resources, technologies and the Internet must be in support of education and consistent with the educational goals, objectives and priorities of the WVBE. The Lewis County Board of Education has established the policy that only school/county owned electronic technology devices are to access the network. The school personnel are responsible for making sure that all school/county owned electronic technology devices are properly filtered.

The use of telecommunications and/or access to the Internet is an extension of the students' responsibility in the classroom and must follow all federal and state laws as well as state and local policies.

State, district, and school-owned technology is to be used to enhance learning and teaching as well as improve the operation of the district and school.

Safety measures must be enforced to carry out policies at the state, RESA, county, and school to implement the intent of CIPA, COPPA, E-rate guidelines, FERPA, and any other applicable state and federal statute and policy. (See also Policy 4373 and W.Va. Code 18-2C-2.)

### **Acceptable network use by students and staff includes the following:**

- Creation of files, projects, videos, web pages and podcasts using network resources in support of student personalized academic learning and educational administration;
- Appropriate participation in school-sponsored blogs, wikis, web 2.0+ tools, social networking sites and online groups;
- With parental permission, the online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately.
- Staff use of the network for incidental personal use in accordance with all district/school policies and guidelines.
- At no time should a student be given administrative responsibilities for a server with a wide area network or Internet connection.

### **Unacceptable Use:**

- Inappropriate use or transmission of any material in violation of any U.S. or state law or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening, abusive, or obscene material, or material protected by trade secrets.
- Use for commercial activities by for-profit institutions is not acceptable.
- Use for product advertisement or political lobbying is also prohibited.
- Illegal activities and privacy and safety violations of COPPA, CIPA and FERPA are strictly prohibited.
- Specific examples of unacceptable and/or unauthorized use include, but are not limited to:

- Viewing, creating, accessing, uploading, downloading, storing, sending, or distributing obscene, pornographic or sexually explicit material.
- Downloading, uploading and/or executing viruses, worms, Trojan horses, time bombs, bots, malware, spyware, SPAM, etc., and changes to tools used to filter content or monitor hardware and software.
- Using e-mail and other electronic user IDs/passwords other than one's own. Passwords are the first level of security for a user account. E-mail and system logins and accounts are to be used only by the authorized owner of the account, for authorized purposes. Students and staff are responsible for all activity on their account and must not share their account IDs and passwords. Sharing or divulging secured system passwords by students or staff are prohibited and will result in disciplinary action and restitution for reestablishing security.
- Illegally accessing or attempting to access another person's data or personal system files or unauthorized access to other state/district/school computers, networks or information systems.
- Supplying your password and user information to any electronic request or sharing them with others via any other communications.
- Storing passwords in a file without encryption.
- Using the "remember password" feature of Internet browsers and e-mail clients.
- Leaving the computer without locking the screen or logging off.
- Corrupting, destroying, deleting, or manipulating system data with malicious intent.
- Requesting that inappropriate material be transferred.
- Violating safety and/or security measures when using e-mail, chat rooms, blogs, wikis, social networking sites, Web 2.0 tools and other forms of electronic communications.
- Hacking, cracking, vandalizing or any other unlawful online activities.
- Disclosing, using, or disseminating personal information regarding students.
- Cyber bullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks and other unauthorized uses as referenced in WVBE policies or other policies and laws.
- Personal gain, commercial solicitation and compensation of any kind.
- Any activity which results in liability or cost incurred by the district.
- Downloading, installing and/or executing non-educational gaming, audio files, video files or other applications (including shareware or freeware) without permission or approval.
- Support or opposition for ballot measures, candidates and any other political activity.
- Information posted, sent or stored online that could endanger others (e.g., bomb construction, drug manufacture, etc.).
- Plagiarism or reproducing/repurposing audio/video without permission/consent.
- Attaching unauthorized equipment to the district, school and/or state backbone network. Any such equipment may be confiscated and turned over to law enforcement officers for a potential violation of W.Va. Code 61-3C-5, Unauthorized Access To Computer Services.
- Vandalizing technology equipment or data. Vandalism is defined as any attempt to harm or destroy data or another user or to intentionally damage equipment or any connections that are part of the Internet. This includes, but is not limited to, uploading, downloading or creating computer viruses. Vandalism will result in revocation of user privileges and restitution costs may be assessed.
- Uses related to or in support of illegal activities will be reported to authorities.

## **Network**

The statewide network, the county wide networks (WANs), and school local area networks (LANs) include wired and wireless computers, peripheral equipment, routers, switches, servers, files, storage devices, e-mail, Internet content, digital tools (blogs, web sites, web mail, groups, wikis, etc.) and any other equipment which communicates via network connections. The components are utilized to provide access to electronic resources, technologies and the Internet.

The WVDE reserves the right to prioritize the use of and access to the statewide network. Districts may also prioritize local traffic within WANs and LANs consistent with WVDE guidelines.

All use of the network must support instructional and administrative purposes and be consistent with WVBE policies, WVDE guidelines, E-Rate regulations and state and federal laws.

WVDE, approved service provider, and other state agencies operate the statewide infrastructure to provide Internet access for all public schools under the jurisdiction of the WVBE. In accordance with state purchasing guidelines, filtering will be installed at the state network level at the two points of presence (POPs) for Internet access. This will provide filtering for all public schools in a cost effective manner and with efficient management. Providing this service at the state level enables districts to meet CIPA and E-Rate guideline requirements for filtering.

Schools must enforce the use of the filtering or electronic technical protection measures during any use of the network and computers/devices to access the Internet.

The district and/or schools may also add additional electronic filters at the local network levels. Other objectionable material may be filtered. The determination of what constitutes "other objectionable" material is a local decision.

To avoid duplication of effort at the district/school levels, the WVDE will provide a method and instructional modules that allow districts/schools to certify compliance with the new FCC regulations regarding Internet safety policies. The policies must provide for educating students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. Instructional information regarding the WVDE method and curriculum content for certifying that students have been educated about appropriate online behavior can be found at <http://wvde.state.wv.us/technology/cipa-compliance.htm>.

This WVDE method will provide documentation that districts have met the annual E-rate compliance requirements of educating students regarding appropriate use.

## **Filtering**

Filtering software is not 100% effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his or her use of the network and Internet and avoid objectionable sites.

Any attempts to defeat or bypass the state's Internet filter or conceal Internet activity are prohibited. This includes, but is not limited to, proxies, https, special ports, modifications to state browser settings and any other techniques designed to evade filtering or enable the publication of inappropriate content.

E-mail inconsistent with the educational missions of the state, district or school will be considered SPAM and blocked from entering e-mail boxes.

Appropriate adult supervision of Internet use must be provided. The first line of defense in controlling access by students to inappropriate material on the Internet is deliberate and consistent monitoring of student access and use of equipment.

Staff must make a reasonable effort to become familiar with the Internet and to monitor, instruct, and assist effectively in filtering and acceptable use issues.

Appropriate filtering must be maintained to meet E-rate guidelines.

## **Copyright**

Copyright laws protect the rights of people who create intellectual property by providing the creator with exclusive rights to license, sell or use the works. A creator owns the rights of reproduction, adaptation, distribution, public performance, public display, digital transmission and moral rights.

Downloading, copying, duplicating and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. However, the duplication and distribution of materials for educational purposes are permitted if and when such duplication and distribution fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, United States Code <http://copyright.gov/title17>) and content is cited appropriately.

The doctrine of fair use for education has developed through court decisions over the years. It has been codified in Section 107 of the United States Copyright Law (Title 17, United States Code), and lists four factors to be considered in determining whether or not a particular use is fair:

- The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes.
- The nature of the copyrighted work.

- The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- The effect of the use upon the potential market for, or value of, the copyrighted work.
- To discourage violation of copyright laws, the following compliance requirements are specified:
- Employees and students are expected to adhere to the copyright laws.
- Appropriate software licenses will be obtained for use in a network server system or other multi-access use.
- Programs available through the statewide provisions of technology implementation must comply with stipulations of the various purchase agreements.
- Illegal copies of copyrighted programs shall not be made or used on state, RESA, district or school equipment.
- Students are to be taught the ethical and practical problems and consequences of plagiarism and software/media piracy.
- Employees will be provided yearly reminders of their responsibility through a county chosen procedure to adhere to and enforce the copyright laws and will be provided in-service if necessary.
- Educators and students should perform due diligence by reviewing the Terms and Conditions, Terms of Use, End User License Agreements (EULA), Copyright, etc. prior to utilizing content from resources and software licenses to ensure that they are not violating the Terms and Conditions agreed to of said resource.
- Under federal law, employees violating the copyright laws may be subject to fines, confiscation or material, and other prosecution. Violations may also result in the employee's suspension and/or dismissal for insubordination under W.Va. Code 18A-2-8.

## **Web Publishing**

The Lewis County Board of Education recognizes the educational benefits of publishing information on the Internet by school personnel and students. The LCBOE also recognizes the importance of guidelines that address content, overall responsibility, potential contributors, quality, technical standards, copyright laws, and student protection. Therefore, the LCBOE requires all staff and students to adhere to the following guidelines:

The "official" district/school web site will be administered by a district designated Web Master. Only this individual can add, delete, or make changes to material on the web site.

Appropriate educational permission must be obtained for student web site pages published within the WV public K-12 intranet and from a public K-12 site to the Internet.

Only district or school groups are permitted to house a web site on a school/county server. The sponsor of the group, in conjunction with the designated Web Master, shall have final approval and responsibility for the web site.

Web site content should:

- Be appropriate, in good taste, and not harmful to any individual or group.
- Be grammatically correct, accurately spelled, and have a pleasing appearance.
- Follow FERPA, state, district and school regulations when using student pictures and names. Parental permission should be obtained. Internet guidelines stress the importance of not publishing the last names of students. Nicknames may be used in place of the given name. Personal information, such as home address, home telephone, credit card information, mother's maiden name, and other personal information should not be published.
- Comply with WVBE and LCBOE policies and regulations.
- Include information such as an e-mail address of the responsible contact person, copyright, and the last date updated should be included.
- Remain current, be accurate, and navigation through the site should be easy and user friendly.
- Restrict business/commercial links or the acknowledgment of a business on a school/county web site to business partners and/or materials that are educational, provide technical support, or are germane to the philosophy of the school/county. Advertising of commercial offerings is forbidden.
- Comply with copyright, intellectual property, state, federal (specifically COPPA and CIPA0 and international law.
- Include the permission granted statement (who, time period, etc.) for all copyrighted materials.

Consult the World Wide Web Consortium (W3C) for additional web publishing standards at <http://www.w3.org/standards/webdesign>.  
The W3C Web Accessibility Initiative (WAI) develops Web accessibility guidelines. More information is available at <http://www.w3.org/WAI/intro/components.php>.