

Gilmer County Schools
Student Code of Conduct Policy

POLICY 5130

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

II. Authority. - W.Va. Constitution, Article XII, §2, and W.Va. Code §16-9A-4,16-9A-9, 17A-1-1,18-2-5,18-2-Sa, 18-2-7b, 18-2-9,18-2C-1 et seq., 18-2-33,18-5-1,18-5-13,18-16-1,18A-1-1,18A-5-1, 18A-5-1a,6GA-M01, 61-2-15, 61-7-2, 61-7-1 la, and 6QA-7-1la.,WV State Board of Education policy 4373.

III. Philosophy

The Gilmer County Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a nurturing and orderly, safe, and stimulating educational environment. The purpose of these regulations is to provide Gilmer County School with a policy of student conduct that will ensure an orderly and safe environment that is conducive to learning.

IV. Student Code of Conduct

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

- A. Students will help create an atmosphere free from bullying, intimidation and harassment.
- B. Students will demonstrate honesty and trustworthiness.
- C. Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.
- D. Students will demonstrate responsibility, use self-control and be self-disciplined.
- E. Students will demonstrate fairness, play by the rules, and will not take advantage of others.
- F. Students will demonstrate compassion and caring.
- G. Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

V. Application.

A. These regulations apply to all students attending public schools in Gilmer County during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a school-sponsored activity or event, whether or not it is held on school premises.

B. Students who do not behave in a manner that promotes a nurturing, orderly, safe environment conducive to learning will be subject to the Levels of Response to Violations as outlined in §126-99-7.

C. This policy does not supercede any rights granted to special education students by Federal or State law or other Gilmer County Board of Education policy.

D. To ensure understanding of the Student Code of Conduct, Gilmer County Schools will implement an educational program that will consist of the following components:

- a. The Student Code of Conduct shall be posted in all classrooms in Gilmer County Schools
- b. A summary of the Student Code of Conduct shall be distributed to all students and parents at the start of each school year.
- c. The Student Code of Conduct will be presented to all students in a classroom setting to insure it is understood by all students.
- d. All school employees will receive staff training in regards to the Student Code of Conduct and its implementation,

VI. Violations of the Student Code of Conduct.

A. This policy classifies student violations of the Student Code of Conduct in four levels. W.Va. Code requires that the principal shall suspend a student who commits a violation classified as a Level IV in this policy. Level III and IV violations are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

Level I Violations

a. **Anti-Social Conduct.** A student will not orally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward another student that causes embarrassment, discomfort, or a reluctance to participate in school activities.

b. **Cheating/Academic Misconduct.** A student will not plagiarize, cheat, gain unauthorized access to, or tamper with educational materials. The response to violations under this section may include academic sanctions in addition to other discipline.

c. **Disorderly Conduct.** A student will not harass another student or other person or misbehave in a manner that causes disruption or obstruction to the education process. Disruption caused by talking, making noises, throwing objects, or otherwise distracting another person, constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented

from starting an activity or lesson, or has to stop instruction to address the disruption.

d. **Improper Operation of a Motor Vehicle.** A student will not engage in improper parking of a motor vehicle on school property.

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

f. **Inappropriate Dress and Grooming.** A student will not dress or groom in a manner that disturbs the educational process or is detrimental to the health, safety or welfare of others. A student will not dress in a manner that is distracting or indecent, to the extent that it interferes with the teaching and learning process, including wearing any apparel that displays or promotes any drug-, alcohol- or tobacco-related product that is prohibited in school buildings, on school grounds, in school-leased or owned vehicles, and at all school-affiliated functions.

g. **Leaving School Without Permission.** A student will not leave the school building, classroom, cafeteria, assigned area, or campus without permission from authorized school personnel.

h. **Possession of Inappropriate Personal Property,** A student will not possess personal property that is prohibited by school rules or that is disruptive to teaching and learning.

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

j. **Technology Abuse.** A student will not violate the terms of Gilmer County Board of Education Policy 2460, W.Va. §126CSR41 (Safety and Acceptable Use of the Internet by Students and Educators).

k. **Tobacco.** In accordance with Gilmer County Board of Education Policy 2422.5A, W.Va. §126CSR66 (Tobacco-Free Schools) a student will not smoke, use tobacco, or possess any substance containing tobacco in any building area under the control of a county school system, including all activities or events sponsored by the county school district.

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

m. **Truancy.** In accordance with Gilmer County Board of Education Attendance Policy, student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or by the parent/guardian.

School Responses to Level I Violations

a. School administrators and staff may use appropriate intervention strategies, as determined by local policies, including, but not limited to, staff and student/parent conferences, auxiliary staff intervention and counseling programs, student programs for conflict resolution and peer

mediation, and programs for anger management and violence prevention.

b. Any of the following intervention strategies and disciplinary actions may be used as appropriate in response to the violation:

- Administrator/Student conference or reprimand
- Administrator and teacher-parent/guardian conference
- Referrals and conference to support staff or agencies
- Referral to a tobacco cessation program
- Daily/weekly progress reports
- Behavioral contracts
- Change in the student's class schedule
- School service assignment
- Confiscation of inappropriate item
- Restitution/restoration
- Before and/or after-school detention
- Denial of participation in class and/or school activities
- Immediate exclusion by teacher from one class period of the school day
- Weekend detention
- In-school suspension
- Out-of-school suspension for up to three days
- Law enforcement notification

Level II Violations

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

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

c. **False Identification.** A student will not use another person's identification or give identification to any school official with intent to deceive school personnel or falsely obtain money or property,

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

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

f. 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.

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

Gang activity includes:

(a) Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang.

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

(c) Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs.

(d) Recruiting students) for gangs.

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

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

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

School Responses to Level II Violations

The county school system may modify this list in accordance with alternatives available to the district, such as conflict resolution or peer mediation programs. Intervention strategies may include, but are not limited to, the following intervention strategies and disciplinary actions:

- Any Level 1 response
- Out-of-School Suspension for up to ten (10) days

Level III Violations

Violations in the Level III category are consistent with those addressed in W.Va. Code §18A-5-1a (c) and shall be reported immediately to the principal of the school in which the student is enrolled. The principal will address the violation following the procedures outlined in W.Va. Code §18A-5-1a, subsections (d) through (j).

- a. Alcohol. A student will not possess, distribute or be under the influence of alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function.
- b. Defacing school property. A student will not willfully cause defacement of, or damage to, property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system- breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.
- c. Disobeying a teacher in a willful manner. A student will not willfully disobey a teacher.
- d. Profane language. A student will not use profane language directed at a school employee. Using profane language may include, but is not limited to, verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school employee,
- e. Theft. A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession, property valued at between \$100 and 5999.
- f. 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 a condition for continued membership in, any activity or organization, including both co- curricular and extra-curricular activities.
- g. 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.
- h. Violation of school rules or policies. A student will not habitually, as defined by the county, violate school rules or policies.
- i. Delivery of nonprescription drugs. A student will not deliver nonprescription medication on school property or at any school event.
- j. Possession of nonprescription drugs. A student will not possess nonprescription medication on school property or at any school sponsored event that is not in compliance with the Medication Administration Policy.

School Responses to Level III Violations

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

Level IV Violations

Violations in the Level IV category are consistent with those addressed in W.Va. Code §18A-5-1(a) and (b). Level IV violations in this policy are aligned with definitions in W.Va. Code §61-6-17, 61-6-24, 18A-5-1, and in the Gun-Free Schools Act of 1994 (the reauthorization of The Elementary and Secondary Education Act of 1965 (ESEA)), Public Law 103-382, and require that the principal of the school in which the student is enrolled shall address the violation following the procedures outlined in W.Va. Code §18A-5-1(a) and (b).

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

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

c. Possession of a controlled substance. According to W.Va. Code §18A-5-1a(b) (ii), a student will not possess, distribute, or be under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §60A-1-101 et seq., on the premises of an educational facility or at a school-sponsored function.

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

As defined in W.Va. Code §61-7-2, a "dangerous weapon" means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily

harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, switchblade knife, nunchuka, 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, tokens, pencils, compasses, or combs, with the intent to harm another.

e. Sale of a narcotic drug. According to W.Va. Code §18A-5-1a, a student will not sell a narcotic drug, as defined in W.Va. Code §60A-1-101, on the premises of an educational facility, at a school-sponsored function or on a school bus.

School/County Responses to Level IV Violations

Level IV violations in this policy are those violations addressed in W.Va. Code §18A-5-1a that require the mandatory suspension of the student by the principal from school, or from Transportation to or from the school on any school bus, after an informal hearing pursuant to subsection (d) of W.Va. Code §18A-5-1a.

VII. Investigation Procedures

A. The school principal or their designee shall upon receipt of a report or complaint undertake or authorize an investigation as soon as possible.

B. 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.

C. 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.

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

E. In determining the appropriate response and/or punishment for a Level I, II, or III violation, the principal, superintendent or local board of education should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

F. The investigation will be completed as soon as practicable following the reported violation. 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.

G. 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.

Dissemination of Policy and Training.

A This policy or a summary shall be conspicuously posted throughout each county's/school's facilities in areas accessible to students and staff members.

B. This policy, or a summary, shall appear in the student handbook and if no handbook is available, a copy will be distributed to all students, faculty, staff and parents.

C. The county board of education will develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy. The county shall review their policy at least bi-annually for compliance with state and federal law and Gilmer County Board of Education policy.

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