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

| Behaviors | Definitions – Level 1 | Interventions and Consequences |
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| LEVEL 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others. | | |
| 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. | <ul style="list-style-type: none"> • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced. • Counseling referrals and conference to support staff or agencies • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item • Revocation of privileges • Restitution/restoration • Detention (lunch, before and/or after school) • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one |
| Deceit | A student will not deliberately conceal or misrepresent the truth, deceive another or cause another to be deceived by false or misleading information. | |
| Disruptive/ Disrespectful Conduct | A student will not exhibit behavior that violates classroom/school rules, results in distraction and obstruction of the educational process or that is discourteous, impolite, bad mannered and/or rude. Behavior is considered disruptive and/or disrespectful if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption. | |
| Failure to Serve Detention | A student will not fail to serve an assigned detention of which students and/or parents/guardian have been notified. | |
| 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. | |
| 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. | |
| Inappropriate Display of Affection | Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing. | |

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| Behaviors | Definitions – Level 1 | Interventions and Consequences |
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| Inappropriate Language | A student will not orally, in writing, electronically, or with photographs or drawings, use profanity in general context (not directed toward any individual or group). | <p>period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1)</p> <ul style="list-style-type: none"> • Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006) • In-school suspension • *West Virginia Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class. • While out-of-school suspension is not recommended for Level 1 Inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days. • Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention. |
| 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. | |
| Skipping Class* | In accordance with WVBE Policy 4110 - Attendance , a student will not fail to report to the school's assigned class or activity without prior permission, knowledge or excuse by the school or by the parent/guardian. | |
| Tardiness* | A student will not fail to be in his/her place of instruction at the assigned time without a valid excuse. | |
| Vehicle Parking Violation | A student will not engage in improper parking of a motor vehicle on school property. | |

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| Behaviors | Definitions – Level 2 | Interventions and Consequences |
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| LEVEL 2: 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. | | |
| 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"> • Wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member of a gang, or otherwise symbolizes support of a gang. • Using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of gang, or otherwise symbolizes support of a gang. • Gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs. • Recruiting student(s) for gangs. | <ul style="list-style-type: none"> • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Referral to support staff or agencies for counseling or other therapeutic services • Daily/weekly progress reports • Behavioral contracts • Change in the student's class schedule • School service assignment • Confiscation of inappropriate item • Revocation of privileges • Restitution/restoration • Before and/or after-school detention |
| 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> | <ul style="list-style-type: none"> • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1) |
| Insubordination | <p>A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, complete an assignment, work with another student, work in a group, take a test or do any other class- or school-related activity not listed herein, refusing to leave a hallway when requested by a school staff member, or running away from school staff when told to stop, all constitute insubordination/unruly conduct.</p> | <ul style="list-style-type: none"> • Voluntary weekend detention (Superintendent's Interpretation of May 12, 2006) |
| Leaving School Without Permission | <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> | <ul style="list-style-type: none"> • In-school suspension |

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| Behaviors | Definitions – Level 2 | Interventions and Consequences |
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| Physical Fight Without Injury | A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person or persons. | <ul style="list-style-type: none"> • Out-of-school suspension with a recommended maximum of five (5) days (See guidelines in Chapter 6, Section 2)West Virginia Code §18A-5-1 (d) prohibits the use of suspension solely for not attending class. • The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter. • Expulsion • Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention. |
| Possession of Imitation Weapon | A student will not possess any object fashioned to imitate or look like a weapon. | |
| Possession of Knife not meeting Dangerous Weapon Definition (West Virginia Code §61-7-2) | A student will not possess a knife or knife-like implement under 3½ inches in length. West Virginia Code §61-7-2 clarifies that a pocket knife with a blade 3½ inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term "knife" as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death. | |
| 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. | |
| Technology Misuse | A student will not violate the terms of WVBE Policy 2460 , Safety and Acceptable Use of the Internet by Students and Educators. | |

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| Behaviors | Definitions – Level 3 | Interventions and Consequences |
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| <p>LEVEL 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with W. Va. Code §18A-5-1a, subsections (b) through (h)</p> | | |
| Battery Against a Student | A student will not unlawfully and intentionally injure another student. | <p>Level 3 behaviors are criminal offenses and therefore warrant formal law enforcement intervention which may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer or actual arrest.</p> <p>In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to:</p> <ul style="list-style-type: none"> • Administrator/student conference or reprimand • Administrator and teacher-parent/guardian conference • Referral to support staff or agencies for counseling or other therapeutic services • Notification of appropriate Health and Human Resources • Daily/weekly progress reports • Behavioral contracts |
| 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. | |
| False Fire Alarm | A student will not knowingly and willingly set off a fire alarm without cause. | |
| Fraud/Forgery | A student will not deceive another or cause another to be deceived by false or misleading information or sign the name of another person in order to obtain anything of value or defraud authorities. | |
| Gambling | A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions. | |
| 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 organization, including both co-curricular and extra-curricular activities. | |
| Improper or | A student will not intentionally or recklessly operate a motor vehicle, on | |

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| Behaviors | Definitions – Level 3 | Interventions and Consequences |
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| Negligent Operation of a Motor Vehicle | 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. | <ul style="list-style-type: none"> • Change in the student’s class schedule • School service assignment • Confiscation of inappropriate item(s) • Revocation of privileges • Restitution/restoration • Before and/or after-school detention • Denial of participation in class and/or school activities • Immediate exclusion by teacher from the classroom with a recommended duration of one period/subject of the school day for the first exclusion, (West Virginia Code §18A-5-1) • Voluntary weekend detention (Superintendent’s Interpretation of May 12, 2006) • In-school suspension • Out-of-school suspension for up to ten (10) days (See guidelines in Chapter 6, Section 2) • The principal and/or superintendent may recommend placement in an Alternative Education program as described in Section 5 of this chapter. • Expulsion |
| 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 §61-3-13 . | |
| 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. | |
| 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 §61-2-15]. | |
| Trespassing | A student will not enter upon the premises of the county school system property, other than to the location to which the student is assigned, without authorization from proper school authorities. | |

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| Behaviors | Definitions – Level 3 | Interventions and Consequences |
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| <p>Harassment/ Bullying/ Intimidation</p> | <p>A student will not bully/intimidate/harass another student. According to West Virginia Code §18-2C-2, “harassment, intimidation or bullying” means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat that:</p> <ul style="list-style-type: none"> • A reasonable person under the circumstances should know will have the effect of harming a student, damaging a student’s property, placing a student in reasonable fear of harm to his or her person, and/or placing a student in reasonable fear of damage to his or her property; • Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student; or • Disrupts or interferes with the orderly operation of the school. <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 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>Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff or public guest). Such action for students may include all options listed above. Actions for staff may include but not be limited to, warning, suspension, termination, revocation of licensure, notification of law enforcement and/or human services. Actions for public guests may include but not be limited to removal from school property and school sponsored functions, notification of law enforcement and/or human services.</p> |

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| Behaviors | Definitions – Level 3 | Interventions and Consequences |
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| | <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"> • submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or • submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or • creating an intimidating, hostile or offensive employment or educational environment. <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"> • verbal harassment of a sexual nature or abuse; • pressure for sexual activity; • inappropriate or unwelcome patting, pinching or physical contact; • sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status; • behavior, verbal or written words or symbols directed at an individual because of gender; or • the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate/culture or opportunities. | |

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| Behaviors | Definitions – Level 3 | Interventions and Consequences |
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| | <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"> • has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. <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"> • has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; • has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or • otherwise adversely affects an individual's employment or academic opportunities. <p><u>Sexual violence</u> is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:</p> <ul style="list-style-type: none"> • touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; • coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; • coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or | |

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| Behaviors | Definitions – Level 3 | Interventions and Consequences |
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| | <ul style="list-style-type: none"> • threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another. • threatening or forcing exposure of intimate apparel or body parts by removal of clothing. <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> | |

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| Behaviors | Definitions – Level 3 | Interventions and Consequences |
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| Imitation Drugs: Possession, Use, Distribution or Sale | A student will not possess, use, distribute or sell any substance that is expressly represented or implied to be a controlled substance or simulate the effect and/or the appearance (color, shape, size and markings) of a controlled substance. | The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors. |
| Inhalant Abuse | A student will not deliberately inhale or sniff common products found in homes, schools and communities with the purpose of “getting high”. The action may be referred to as huffing, sniffing, dusting and/or bagging. | |
| 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 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</u> according to West Virginia Code §16-9A-4.</p> <ul style="list-style-type: none"> • No person (student, staff member or public guest) shall at any time use or distribute any tobacco or nicotine containing product on school property or during school sponsored events. • Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students. • An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE Policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events. | |

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| Behaviors | Definitions – Level 4 |
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| <p>LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in West Virginia Code §18A-5-1a(a) and (b). The following Level 4 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 4 behaviors in a specific manner as outlined in West Virginia Code §18A-5-1a and paraphrased in Chapter 3, Sections 4 and 5 of this manual.</p> | |
| 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 §61-2-15(b) . |
| Felony | A student will not commit an act or engage in conduct that would constitute a felony under the laws of this state if committed by an adult as outlined in West Virginia Code §18A-5-1a(b)(i) . Such acts that would constitute a felony include, but are not limited to, arson (West Virginia Code §61-3-1), malicious wounding and unlawful wounding (West Virginia Code §61-2-9), bomb threat (West Virginia Code §61-6-17), sexual assault (West Virginia Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code §61-6-24) and grand larceny (West Virginia Code §61-3-13). |
| Illegal Substance Related Behaviors | A student will not unlawfully possess, use, be under the influence of, distribute or sell any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code §60A-1-101, et seq. or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school district. This includes violations of WVBE Policy 2422.8 - Medication Administration and instances of prescription drug abuse. |
| Possession and/or Use of Dangerous Weapon | According to West Virginia Code §18A-5-1a(a) , a student will not possess a firearm or deadly weapon as defined in West Virginia Code §61-7-2 , on any school bus, on school property or at any school-sponsored function as defined in West Virginia Code §61-7-11a . As defined in West Virginia Code §61-7-2 , a “dangerous weapon” means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another. |

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Level 4 Behaviors are Used in the Identification and Classification of Persistently Dangerous Schools

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

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

County School System Requirements Related to Persistently Dangerous Schools:

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

WVDE Requirements Related to Persistently Dangerous Schools:

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

A student attending a school identified as persistently dangerous or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public school that the student attends, shall be allowed to attend an alternate safe public school within the county school district.