The following definitions have been copied from **WV Policy 4373: EXPECTED BEHAVIOR IN SAFE AND SUPPORTIVE SCHOOLS**.

**WVDE Policy 4373: Section 2. Inappropriate Behavior Levels**

The following behaviors have been assigned levels based on the nature of severity. It is important for the principal to evaluate behaviors with a holistic and developmentally appropriate approach.

**LEVEL 1:** Minimally Disruptive Behaviors disrupt the educational process and the orderly operations of the school but do not pose a direct danger to self or others.

**LEVEL 2:** Disruptive and Potentially Harmful Behaviors disrupt the educational process and/or pose potential harm, danger, or educational detriment 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 3:** Severely Disruptive, Imminently Dangerous, Illegal, and/or Aggressive Behaviors are willfully committed and are known to be illegal and/or harmful to people and/or property. (Specific behaviors are outlined in W. Va. Code §18A-5-1a(c) and the principal shall address these inappropriate behaviors accordingly.)

**ACTIVITY DIRECTIONS**: After completing *4373 Behaviors to Sort*, use the tables on the following pages to review behavior definitions, label minor (teacher/classroom-managed) or major (administrator/office-managed), and discuss relevant examples at your school. The tables can then be shared with staff, students, and families.

Use the *Teacher vs Office Managed Activity* (T-chart) to visually see the behaviors separated into the two categories.

Use the table below to add any behaviors classified as *Other* on *4373 Behaviors to Sort*.

| **Level** | **Minor or Major** | **Behavior** | **Definition** | **Examples related to your school** |
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| **Level** | **Minor or Major** | **Behavior** | **Definition** | **Examples related to your school** |
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| Level 1 |  | Cheating | Plagiarizing or copying the work of others or breaking rules to gain advantage in a competitive situation.  Interventions could result in academic sanctions.  |  |
| Level 1 |  | Cell Phone Violation  | Not adhering to classroom, school, or county rules or policies regarding the use of cell phones, tablets, or other electronic devices.  |  |
| Level 1 |  | Deceit | Deliberately concealing or misrepresenting the truth, deceiving another, or causing another to be deceived by false or misleading information.  |  |
| Level 1 |  | Disruptive Conduct | Exhibiting behavior that violates classroom/school rules and results in distraction and/or obstruction of the educational process.  |  |
| Level 1 |  | Failure to Serve Detention  | Failing to serve an assigned detention of which the student and/or parent or guardian have been notified.  |  |
| Level 1 |  | Falsifying Identity | Providing false identification to any school official with intent to deceive school personnel or falsely obtain money or property.  |  |
| Level 1 |  | Inappropriate Appearance | Dressing or grooming in a manner that is in violation of the county board of education’s dress code policy.   |  |
| Level 1 |  | Inappropriate Display of Affection | Engaging in inappropriate displays of intimate affection, such as kissing or embracing. |  |
| Level 1 |  | Inappropriate Language | Using profanity in a general context (not directed toward any individual or group), whether orally, in writing, electronically, or with photographs or drawings.  |  |
| Level 1 |  | Possession of Inappropriate PersonalProperty | Possessing personal property that is prohibited by school rules or that is disruptive to the educational process.  |  |
| Level 1 |  | Skipping Class | Failing to report to the student’s assigned class or activity without prior permission, knowledge, or excuse by the school or by the parent or guardian.   |  |
| Level 1 |  | Tardiness | Failing to be in his/her place of instruction at the assigned time without a valid excuse.  |  |
| Level 1 |  | Unauthorized Zone | Accessing a prohibited area of the school or campus.  |  |
| Level 1 |  | Vehicle Parking Violation  | Engaging in improper parking of a motor vehicle on school property.  |  |
| Level 2 |  | Disruptive/Disrespectful Conduct  | Exhibiting behavior that violates classroom/school rules and results in distraction and/or obstruction of the educational process. Conduct is considered disruptive and disrespectful when the student fails to comply with redirection in a discourteous, rude, impolite, or bad-mannered way.  |  |
|  | Minor | Disrespect\* | Refusal to follow directions, talking back and/or socially rude interactions; includes Defiance/ Non-Compliance/ Insubordination. |  |
|  | Minor | Disruption \* | Behavior that causes an interruption in a class or activity; includes loud talk, yelling, or screaming; noise with materials; and/or out-of-seat behavior. |  |
| Level 2 |  | Habitual Violation of School Rules or Policies | Persistently refusing to obey the reasonable and proper orders or directions of school employees, school rules, or policies.  Violations of school rules or policies shall be considered to be habitual when a student has had three or more previous discipline referrals for such violations.  |  |
| Level 2 |  | Insubordination  | Ignoring, refusing to comply with directions, or a general unwillingness to cooperate with instructions given by school authorities.   |  |
| Level 2 |  | Leaving School Without Permission  | Leaving the school building, campus, or school activity without permission from authorized school personnel.  |  |
| Level 2 |  | Physical Fight Without Injury  | Engaging in a physical altercation using blows with intent to harm or overpower another person or persons. |  |
| Level 2 |  | Possession of Imitation Weapon  | Possessing any object fashioned to imitate or look like a weapon.  |  |
| Level 2 |  | Possession of knife not meeting the definition of a dangerous weapon set forth in W. Va. Code §61-7-2 | Possessing a knife or knife-like implement under 3½ inches in length.   |  |
| Level 2 |  | Profane Language/ Obscene Gesture/ Indecent Act Toward an Employee or a Student  | Directing profane language, obscene gestures, or indecent acts towards a school employee or a fellow student.  This includes, but is not limited to, verbal, written, electronic, and/or illustrative communications intended to offend and/or humiliate.  |  |
| Level 2 |  | Technology Misuse  | Violating W. Va. 126CSR41, Policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies, and the Internet.  |  |
| Level 2 |  | Reckless Conduct  | Creating an unsafe environment through actions that are not intentionally directed towards someone. Carelessly throwing a door open, shoving a chair or other object that inadvertently strikes or nearly strikes another, would both be examples of reckless conduct. |  |
| Level 3 |  | Battery Against a Student  | Injuring another student unlawfully and intentionally.  |  |
| Level 3 |  | Disruptive/Defiant Conduct  | Exhibiting escalating behavior that violates classroom/school rules, resulting in distraction and obstruction of the overall educational process. Conduct becomes defiant when the student refuses to comply with any redirection and will not obey the directives they have been provided, responding in an aggressive or insubordinate manner.  |  |
| Level 3 |  | Defacing School Property/ Vandalism  | Defacing or damaging 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. |  |
| Level 3 |  | False Fire Alarm  | Setting off a fire alarm knowingly and willingly without cause.  |  |
| Level 3 |  | Fraud/Forgery  | Deceiving another or causing another to be deceived by false or misleading information or signing the name of another person in order to obtain anything of value or defrauding authorities. |  |
| Level 3 |  | Gambling  | Engaging 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.  |  |
| Level 3 |  | Gang Related Activity  | Using violence, force, coercion, threat of violence, or engaging in gang activity that causes 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 county’s educational mission. Gang activity includes: * wearing or displaying any clothing, jewelry, colors, or insignia that intentionally identifies the student as a member or otherwise symbolizes support of a gang;
* using any word, phrase, written symbol, or gesture that intentionally identifies a student as a member, or otherwise symbolizes support of a gang;
* gathering of two or more persons for purposes of engaging in activities or discussions promoting gangs; and
* recruiting student(s) for gangs.
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| Level 3 |  | Harassment/Bullying/ Intimidation Sexual Harassment Racial HarassmentReligious/ Ethnic HarassmentSexual ViolenceRacial Violence  | W. Va. Code §18-2C-2 defines harassment, intimidation, or bullying as any intentional gesture, or any intentional electronic, written, verbal, or physical act, communication, transmission, or threat that: * a reasonable person 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/her person, and/or placing a student in reasonable fear of damage to his/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 and/or educational process.

 An electronic act, communication, transmission, or threat includes, but is not limited to, one which is administered via telephone, computer, pager, or any electronic or wireless device, and includes, but is not limited to, transmission of any image or voice, email, or text message using any such device.  Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list:  race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.  When harassment, intimidation, or bullying are of a racial, sexual, and/or religious/ethnic nature, the above definition applies to all cases whether or not they involve students, staff, or the public.  Detailed definitions related to inappropriate behavior of this nature are as follow.  Sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining 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 education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education by creating an intimidating, hostile, or offensive employment or educational environment.  Amorous relationships between county board of education employees and students are prohibited, pursuant to W. Va. Code §61-8B-11b.  Physical, verbal, or written conduct relating to an individual's race when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; or otherwise adversely affects an individual's academic opportunities.  Physical, verbal, or written conduct related to an individual's religion or ethnic background when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment.  Physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.  Sexual violence may include, but is not limited to:  touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts; coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or; threatening or forcing exposure of intimate apparel or body parts by removal of clothing.  Physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.  |  |
| Level 3 |  | Hazing  | Hazing or conspiring 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. |  |
| Level 3 |  | Imitation Drugs: Possession, Use, Distribution or Sale  | Possessing, using, distributing, or selling any substance that is expressly represented or implied to be a controlled substance or to simulate the effect and/or the appearance (color, shape, size, and markings) of a controlled substance.  |  |
| Level 3 |  | Improper or Negligent Operation of a Motor Vehicle  | Operating a motor vehicle intentionally and recklessly on the grounds of any educational facility, parking lot, or at any school-sponsored activity which endangers the safety, health, or welfare of others.  |  |
| Level 3 |  | Inhalant Abuse  | Deliberately inhaling or sniffing common products found in homes, schools, and communities with the purpose of intoxication. The action may be referred to as huffing, sniffing, dusting, and/or bagging.  |  |
| Level 3 |  | Larceny  | Taking another person’s property or having another person’s property in his/her possession without permission.  Property valued at $1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with W. Va. Code §61-3-13.  |  |
| Level 3 |  | Possession/ Use of Substance Containing Tobacco and/or Nicotine  | Possessing, using, or being 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. This includes any electronic cigarette or vaporizing device; regardless of whether or not it contains nicotine.   |  |
| Level 3 |  | Sexual Misconduct  | Exposing himself/herself publicly and indecently, displaying or transmitting any sexually explicit media including, but not limited to drawings, photographs, animations, or videos of a sexual nature, or committing an indecent act of a sexual nature on school property, on a school bus, or at a school-sponsored event.  |  |
| Level 3 |  | Threat of Injury/ Assault AgainstAn Employee or A Student  | Threatening (verbal or written) or attempting to injure another student, teacher, administrator, or other school personnel. (This includes assault on a school employee defined in W. Va.  Code §61-2-15.)  |  |
| Level 3 |  | Trespassing  | Entering the premises of county school system property, other than the assigned time and the location without authorization from proper school authorities.  |  |

| **Major - Level 4 Behaviors** |
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| **LEVEL 4:** Safe Schools Act Behaviors are defined in W. Va. Code §18A-5-1 and §18A-5‑1a. These laws require that the principal, county superintendent, and county board of education address Level 4 behaviors in a specific manner as outlined in W. Va. Code §18A-5-1a and paraphrased in this chapter.W. Va. Code §18A-5-1 and §18A-5-1a require mandatory out-of-school suspension by the principal and mandatory expulsion for a period of not less than 12 consecutive months by the county board of education for possession of a deadly weapon, battery on a school employee, or sale of a narcotic drug.  |
| Battery on 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 or causing physical harm to a school employee as outlined in W. Va. Code §61-2-15. A student who violates this code section shall be suspended and expelled. | Shall Suspend | Shall Expel |
| 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‑5‑1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson as outlined in W. Va. Code §61-3-1; malicious assault and unlawful assault, as outlined in W. Va. Code §61-2-9; bomb threat, as outlined in W. Va. Code §61-6-17; sexual assault, as outlined in W. Va. Code §61-8B-3; terrorist act or false information about a terrorist act, hoax terrorist act, as outlined in W. Va. Code §61-6-24; and grand larceny, as outlined in W. Va. Code §61-3-13. The principal shall suspend a student from school and from transportation if the principal determines the student committed an act or engaged in conduct that would constitute a felony. The principal shall request that the superintendent recommend to the board that the student be expelled. \*Threats of mass or whole school violence, including but not limited to, school shootings or gun violence shall be considered a felony in WVEIS.  | Shall Suspend | Shall Expel |
| Illegal Substance Related Behaviors – Narcotic  | A student will not sell, possess, or distribute 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. A student guilty of this behavior shall be suspended and expelled. | Shall Suspend | Shall Expel |
| Illegal Substance Related Behaviors – Nonnarcotic | 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, any other substance included in the Uniform Controlled Substances Act as described in W. Va. 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 W. Va. 126CSR25A, Policy 2422.7, Standards for Basic and Specialized Health Care Procedures and Standards for the Possession and Use of Medical Cannabis By a Student, and instances of prescription drug abuse (Policy 2442.7). This also includes the possession, use, or distribution of electronic cigarettes or vaporizing devices that possess any level of THC, or its derivative. The principal shall suspend a student from school and/or from transportation and may recommend expulsion for possession of a controlled substance governed by the Uniform Controlled Substance Act. The principal determines consequences for other violations listed herein.\*Provisions for medical cannabis can be found in Policy 2422.7. | Shall Suspend | May Expel |
| Possession and/or Use of 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, on school property, or at any school-sponsored function as defined in W. Va. Code §61-7-11a.As defined in W. Va. Code §61-7-2, a deadly 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. Deadly weapons include, but are not limited to, blackjack, gravity knife, knife, knife-like implement, switchblade knife, nunchaku, metallic or false knuckles, pistol, revolver, or other firearm. A deadly 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. The student shall be suspended and expelled for violating W. Va. Code §61-7-11a. | Shall Suspend | Shall Expel |