

Book	Policy Manual
Section	Ready for the board
Title	Copy of STUDENT CODE OF CONDUCT
Code	po5500
Status	
Legal	State Board policy 4373
Adopted	July 9, 2009
Last Revised	August 7, 2012

## 5500 - **STUDENT CODE OF CONDUCT**

The purpose of this policy is to classify inappropriate student behavior and to identify appropriate and meaningful interventions and consequences for violations. School administrators are encouraged to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student to instructional materials and information necessary to maintain academic progress. Out-of-school suspension is not a recommended consequence or intervention for level 1 behaviors, however, the determination of interventions and consequences is at the discretion of the school administrator for levels 1, 2 and 3. Any out-of-school suspension shall also result in a suspension in relation to extra-curricular activities for the duration of the out-of-school suspension, provided, however, additional consequences for violation of extra-curricular guidelines may be imposed if warranted.

When administering interventions and consequences, it is required to determine if a student warrants protection under the Individuals with Disabilities Education Act Amendments of 1997 (IDEA), West Virginia Board of Education (WVBE) policy 2419, Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (Section 504) or Board Policy 5605 – Discipline for Special Education Students.

### **Student Code of Conduct**

Pursuant to State Board policy 4373, the following behaviors have been identified and defined as those that will disrupt the educational process.

#### **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**

##### A. 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.

##### B. Deceit

A student will not deliberately conceal or misrepresent the truth, deceive another, or cause another to be deceived by false or misleading information.

##### C. 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.

##### D. Failure to Serve Detention

A student will not fail to serve an assigned detention of which students and/or parents/guardians have been notified.

## E. 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.

## F. 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.

## G. Inappropriate Display of Affection

Students will not engage in inappropriate displays of intimate affection, such as kissing or embracing.

## H. 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).

## I. 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.

## J. 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.

## K. Tardiness\*

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

## L. Vehicle Parking Violation

A student will not engage in improper parking of a motor vehicle on school property.

**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.**

**[NOTE: A District may reclassify a Level 2 inappropriate behaviors, depending on the severity and repetition of behaviors, provided the reclassification assures the treatment of inappropriate behavior is consistent with State law.]**

## A. Gang Related 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 [County's District's](#) educational mission. Gang activity includes:

1. 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;
2. using any word, phrase, written symbol or gesture that intentionally identifies a student as a member of a gang, or otherwise symbolizes support of a gang;
3. gathering of two (2) or more persons for purposes of engaging in activities or discussions promoting gangs;

## 4. recruiting student(s) for gangs.

## B. Habitual Violation of School Rules or Policies

A student will not persistently, as defined by the ~~County~~ District, refuse to obey the reasonable and proper orders or directions of school employees, school rules, or policies.

## C. Insubordination

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.

## D. Leaving School without Permission

A student will not leave the school building, campus, or school activity for which the student is enrolled without permission from authorized school personnel.

## E. Physical Fight without Injury

A student will not engage in a physical altercation using blows in an attempt to harm or overpower another person(s).

## F. Possession of Imitation Weapon

A student will not possess any object fashioned to imitate or look like a weapon.

G. Possession of Knife ~~not~~ Not Meeting Dangerous Weapon Definition (WV Code 61-7-2)

A student will not possess a knife or knife-like implement under three and one-half (3 1/2) inches in length. WV Code 61-7-2 clarifies that a pocket knife with a blade of three and one-half (3 1/2) 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 use or intended to be used to produce serious bodily injury or death.

## H. 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, writing, electronic, and/or illustrative communications intended to offend and/or humiliate.

## I. Technology Misuse

A student will not violate the terms of WVBE policy 2460, Safety and Acceptable Use of the Internet by Students and Educators.

**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 WV Code 18A-5-1a, subsections (b) through (h)**

**[NOTE: A District may reclassify a Level 3 inappropriate behaviors, depending on the severity and repetition of behaviors, provided the reclassification assures the treatment of inappropriate behavior is consistent with State law.]**

## A. Battery Against a Student

A student will not unlawfully and intentionally injure another student.

## B. 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.

C. False Fire Alarm

A student will not knowingly and willingly set off a fire alarm without cause.

D. 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.

E. 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.

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(s) to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition of continued membership in, any activity or organization, including both co- curricular and extra-curricular activities (see County Policy 5516).

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. Larceny

A student will not, without permission, take another person's property or have another person's property in his/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 WV Code 61-3-13.

I. 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.

J. Threat of Injury/Assault against an Employee or 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 WV Code 61-2-15.)

K. Trespassing

A student will not enter upon the premises of ~~the County~~ District school system property, other than to the location to which the student is assigned, without authorized from proper school authorities.

L. Harassment/Bullying/Intimidation

A student will not bully/intimidate/harass another student. According to WV Code 18-2C-2, "harassment, intimidate, or bullying" means any intentional gesture, or any intentional electronic, writing, verbal, or physical act, communication, transmission, or threat that:

1. 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/her person, and/or placing a student in reasonable fear of damage to his/her property;
2. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or emotionally abusive educational environment for a student; or

3. disrupts or interferes with the orderly operation of the school.

An electronic act, communication, transmission, or threat includes but is not limited to one (1) 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.

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 (1) 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 (see [County District Policy 5517.01](#)).

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:

1. Sexual harassment consists of sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
  - a. 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
  - b. 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
  - c. creating an intimidating, hostile, or offensive employment or educational environment.
2. Amorous relationships between [County Board District](#) employees and students are prohibited.
3. **Sexual harassment** may include but is not limited to:
  - a. verbal harassment of a sexual nature or abuse;
  - b. pressure for sexual activity;
  - c. inappropriate or unwelcome patting, pinching, or physical contact;
  - d. sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats and/or promises concerning an individual's employment or educational status;
  - e. behavior, verbal, or written words or symbols directed at an individual because of gender; or
  - f. 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.
4. **Racial harassment** consists of physical, verbal, or written conduct relating to an individual's race when the conduct:
  - a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
  - b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
  - c. otherwise adversely affects individual's employment or academic opportunities.
5. **Religious/Ethnic harassment** consists of physical, verbal, or written conduct which is related to an individual's religion or ethnic background when the conduct:
  - a. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;

b. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

c. otherwise adversely affects an individual's employment or academic opportunities.

6. **Sexual violence** 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:

a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;

b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;

c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;

d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another;  
or

e. threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

7. **Racial violence** is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

8. **Religious/Ethnic violence** is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

#### M. 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.

#### N. 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.

#### O. Possession/Use of Substance Containing Tobacco and/or Nicotine

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~~ District, including all activities or events sponsored by the ~~County~~ District.

Special considerations according to WV Code 16-9A-4:

1. 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.
2. Individuals supervising students off school grounds are prohibited from distributing or using tobacco or nicotine containing products in the presence of students.
3. An exception shall be made to allow possession/use of approved nicotine replacement product for tobacco cessation. WVBE policy ~~2422.8—Medication Administration~~ 2422.7 - Standards for Basic and Specialized Health Care Procedures must be followed in order for students to use such products on school property or at school sponsored events.

**LEVEL 4: Safe Schools Act Behaviors - are consistent with those addressed in WV Code 18A-5-1a(a) and (b). The following Level 4 behavior definitions are aligned with WV 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~~ the Board address Level 4 behaviors in a specific manner as outlined in WV Code 18A-5-1a and paraphrased in Chapter 3, Sections 4 and 5 of this manual.**

#### A. 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 WV 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 WV Code 18A-5-1a(b)(i). Such acts that would constitute a felony include, but are not limited to, arson (WV Code 61-3-1), malicious wounding and unlawful wounding (WV Code 61-2-9), bomb threat (WV Code 61-6-17), sexual assault (WV Code 61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (WV Code 61-6-24), and grand larceny (WV Code 61-3-13).

#### C. 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 WV 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~~ County District, including all activities or events sponsored by the ~~County~~ County District. This includes violations of WVBE policy ~~2422.8—Medication Administration~~ 2422.7 - Standards for Basic and Specialized Health Care Procedures and instances of prescription drug abuse.

#### D. Possession and/or Use of Dangerous Weapon

According to WV Code 18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in WV Code 61-7-2, on any school bus, on school property, or at any school-sponsored function as defined in WV Code 61-7-11a.

As defined in WV 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 include, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another.

Students may be subject to discipline for violation of the Student Code of Conduct even if that conduct occurs on property not owned or controlled by the Board but which is connected to activities sanctioned or managed by the Board or its personnel or incidents that have occurred on property owned or controlled by the Board. Such discipline shall be consistent in all respects with the form and procedure for disciplining students set forth in Policy 5600 - Student Discipline and State Board policy 4373, referenced above.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. The ~~County~~ County District shall review this policy pursuant to the requirements of State Board policy for compliance with Federal and State law. The ~~County~~ County District shall assess the effectiveness of this policy annually. This review shall include:

- A. summary data for incidents of inappropriate behavior and intervention responses to incidents;
- B. required LSIC reports;
- C. trend analysis from school climate/culture survey tools (as available);
- D. impact data related to school climate/culture improvement strategies within ~~County~~ County District and school strategic plans; and impact data from training and staff development offered by the ~~County, RESA~~ County District (EPIC) and/or WVDE.

© Neola 2012

Last Modified by Erich May on January 8, 2019