

Chapter 2 INAPPROPRIATE BEHAVIOR AND MEANINGFUL INTERVENTIONS AND CONSEQUENCES

Section 1. Addressing Inappropriate Behavior with Meaningful Interventions and Consequences

The purpose of this policy is to provide schools with guidance that creates and ensures an orderly and safe environment that is conducive to teaching and learning for all. All interventions and consequences are in effect on all school property and at all school-sanctioned events, including extracurricular and co-curricular activities. Each county will implement proactive, preventative, and evidence-based practices utilizing a MTSS framework, outline investigatory and reporting procedures, and delineate meaningful interventions and consequences in response to inappropriate behavior. Schools will provide explicit instruction on expected behaviors, model and reteach expectations when needed, and provide feedback to maximize the probability of student success in all school settings, including extracurricular, co-curricular, and school-sanctioned events.

This policy defines disciplinary levels and provides definitions for common inappropriate student behaviors. County policies may provide additional guidance in the implementation and classification for specific offenses and/or levels provided the treatment of the inappropriate behavior is consistent with W. Va. Code.

County and school policies should identify appropriate and meaningful interventions and consequences. The interventions and consequences in this policy serve as examples, with the exception of Level 4 offenses. It is not a requirement that all schools offer every intervention and consequence listed in this policy. Through a MTSS framework, school administrators and staff should leverage available school and community resources to provide appropriate evidence-based intervention strategies designed improve student behavior, maximize student attendance, and increase student engagement.

The purpose of interventions is to support, model, and/or teach appropriate behavior to maximize the probability of student success and decrease the likelihood of continued inappropriate behavior. Interventions should be used to reinforce expectations related to school rules and county policies regarding student behavior.

The purpose of consequences is to provide responses to inappropriate behavior that assist in keeping a school safe and orderly.

Sample interventions and consequences can be found in Appendix A. It is the school principal's responsibility to appropriately determine which intervention or consequence is necessary for each behavior and to ensure it is documented appropriately in the West Virginia Education Information System (WVEIS). Each discipline referral entered into WVEIS that deems an administrative response, shall, at minimum, include a documented intervention.

Exclusionary practices can have a direct impact on student academic achievement and schools/counties have a responsibility to ensure discipline practices are fair, equitable, and consistent. Therefore at least annually each county board of education shall publicly present a report of the previous year's certified discipline data at a regularly scheduled county board of education meeting. The report shall be comprised of exclusionary practices (in-school and out-of-school suspension) throughout the county and shall not

include any subgroup with less than 20 students to ensure student data privacy. At a minimum the report shall include:

- total count of students by federally identified subgroup;
- total count of students who were not referred for discipline by subgroup;
- total count of students who were referred for discipline but not suspended by subgroup;
- total count of suspensions by discipline level and for each subgroup;
- total days of suspension for the county and for each subgroup; and
- average number of days suspended by subgroup of each discipline referral level.

Discipline matrices can be used as a tool to ensure fair and consistent implementation of a school's discipline plan. However, the principal shall always consider the individual details and specifics of a student's needs in ensuring appropriate implementation. If a matrix is used, the principal shall retain the right to amend and change an intervention or consequence, as deemed necessary.

Out-of-school suspension strategies should be considered when appropriate evidence-based interventions and consequences have not proven to correct the behavior. Out-of-school suspension shall never deny students access to instructional material and information necessary to maintain their academic progress. The determination of interventions and consequences is at the discretion of the school administrator, with input considered from teachers/service personnel/support staff. W. Va. Code §18A-5-1 requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy. Level 3 and 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct.

Any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the out-of-school suspension or expulsion.

When administering interventions and consequences, the county is required to determine if a student warrants protection under Public Law 108-446, Individuals with Disabilities Education Improvement Act of 2004 (IDEA), W. Va. 126CSR16, Policy 2419, Regulations for the Education of Students with Exceptionalities (Policy 2419), and/or Section 504 (504 Plan) of the Rehabilitation Act of 1973.

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. The principal may change a Level 1, 2, or 3 behavior level in WVEIS, if the circumstances dictate it. If a behavior level is changed, the principal shall document in the WVEIS discipline referral the reason as to why the level was changed. Level 4 behaviors are defined in W. Va. Code §18A-5-1 and shall not be changed.

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.

Behavior	Definition
Cheating	Plagiarizing or copying the work of others or breaking rules to gain advantage in a competitive situation. Interventions could result in academic sanctions.
Cell Phone Violation	Not adhering to classroom, school, or county rules or policies

	regarding the use of cell phones, tablets, or other electronic devices.
Deceit	Deliberately concealing or misrepresenting the truth, deceiving another, or causing another to be deceived by false or misleading information.
Disruptive Conduct	Exhibiting behavior that violates classroom/school rules and results in distraction and/or obstruction of the educational process.
Failure to Serve Detention	Failing to serve an assigned detention of which the student and/or parent or guardian have been notified.
Falsifying Identity	Providing false identification to any school official with intent to deceive school personnel or falsely obtain money or property.
Inappropriate Appearance	Dressing or grooming in a manner that is in violation of the county board of education's dress code policy.
Inappropriate Display of Affection	Engaging in inappropriate displays of intimate affection, such as kissing or embracing.
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.
Possession of Inappropriate Personal Property	Possessing personal property that is prohibited by school rules or that is disruptive to the educational process.
Skippping 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.
Tardiness	Failing to be in his/her place of instruction at the assigned time without a valid excuse.
Unauthorized Zone	Accessing a prohibited area of the school or campus.
Vehicle Parking Violation	Engaging 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, 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.

Behavior	Definition
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.
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.
Insubordination	Ignoring, refusing to comply with directions, or a general

	unwillingness to cooperate with instructions given by school authorities.
Leaving School Without Permission	Leaving the school building, campus, or school activity without permission from authorized school personnel.
Physical Fight Without Injury	Engaging in a physical altercation using blows with intent to harm or overpower another person or persons.
Possession of Imitation Weapon	Possessing any object fashioned to imitate or look like a weapon.
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.
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.
Technology Misuse	Violating W. Va. 126CSR41, Policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies, and the Internet.
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: 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.)

Behavior	Definition
Battery Against a Student	Injuring another student unlawfully and intentionally.
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.
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.

False Fire Alarm	Setting off a fire alarm knowingly and willingly without cause.
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.
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.
Gang Related Activity	<p>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.</p> <p>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 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.
Harassment/Bullying/Intimidation	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</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 whether or not they involve students, staff, or the public. Detailed definitions related to inappropriate behavior of this nature are as follow.</p>
Sexual Harassment	<p>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.</p> <p>Amorous relationships between county board of education employees and students are prohibited, pursuant to W. Va. Code §61-8B-11b.</p>
Racial Harassment	<p>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.</p>
Religious/Ethnic Harassment	<p>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.</p>
Sexual Violence	<p>Physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a</p>

Racial Violence	<p>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.</p> <p>Physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.</p>
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.
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.
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.
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.
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.
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.
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.
Threat of Injury/Assault Against An 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.)
Trespassing	Entering the premises of county school system property, other than the assigned time and the location without authorization from proper school authorities.

Level 4 Behaviors

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	Shall Suspend	Shall Expel

Level 4 Behaviors			
	limited to, school shootings or gun violence shall be considered a felony in WVEIS.		
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