

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

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FILED

2002 DEC 16 P 3:14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Const., Article XII, § 2, W.Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, and 61-7-11a.

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§ 29A-3B-1, et seq.; W.Va. Board of Education v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES X NO ___

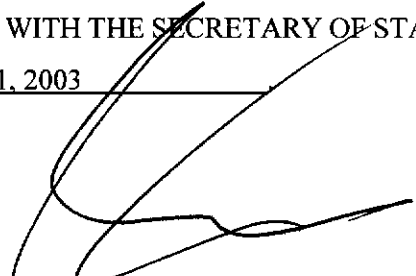
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 99

TITLE OF RULE BEING AMENDED: Student Code of Conduct (4373)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS July 1, 2003



William J. Luff, Jr.
Deputy State Superintendent of Schools

\$12.30 w/out comments
\$24.00 w/comments

EXECUTIVE SUMMARY

Student Code of Conduct (Policy 4373)

BACKGROUND:

Extensive revisions of the 1991 Student Code of Conduct (Policy 4373) resulted in a repeal of the former policy and replacement with a new policy that became effective July 7, 2002. Revisions to the current policy have been made in response to comments and recommendations received during statewide policy update workshops held July-September, 2002.

These revisions to Policy 4373 have been made to clarify policy language in order to assure that West Virginia schools can reasonably respond immediately and consistently to any student code of conduct violation.

Policy revisions were made in the following areas: formatting or editing revisions; corrections to make Policy 4373 consistent with W.Va. Code §18A-5-1a; addition of language to define "persistently dangerous school" as required by the federal No Child Left Behind Legislation; and changes in response to comments and recommendations from educators in counties/schools, legislators, and state and local school board members.

PURPOSE:

The West Virginia Board of Education recognizes the need for students, teachers, administrators and other school personnel to have a nurturing, orderly, safe and stimulating educational environment. The purpose of these revised regulations is to assure that West Virginia's public schools and their employees respond immediately and consistently to incidents of bullying, harassment, intimidation, substance abuse and/or violence or any other Student Code of Conduct violations in a manner that effectively deters future incidents and affirms respect for individuals.

The West Virginia Board of Education further believes that public schools should undertake proactive, preventive approaches to ensure a school environment that fosters learning and personal-social development.

IMPACT:

The revisions in the Student Code of Conduct (Policy 4373) will ensure that public schools can reasonably meet the high standards set for responding immediately and consistently to any Student Code of Conduct violations in a manner that effectively deters future incidents and affirms respect for individuals create, encourage and maintain a safe, drug free and fear free school environment in the classroom, on the playground and at school sponsored activities and events.

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FILED

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 99
STUDENT CODE OF CONDUCT (4373)

§126-99-1. General.

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

1.2. Authority. -- W. Va. Constitution, Article XII, §2, and W. Va. Code §§16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2-33, 18-2C-1 et seq., 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 60A-7-11a, 61-2-15, 61-7-2, and 61-7-11a.

1.3. Filing Date. -- December 16, 2002.

1.4. Effective Date. -- July 1, 2003.

1.5. Repeal of Former Rule. -- This legislative rule revises W.Va. §126CSR99, "Student Code of Conduct" (Policy 4373) filed June 7, 2002 and effective July 7, 2002. This policy is to be read in conjunction with W.Va. §126CSR18, "Racial, Sexual, Religious/Ethnic Harassment and Violence Policy" (Policy 2421), and W.Va. §126CSR98, "Student Handbook - Student Rights and Responsibilities" (Policy 4372).

§126-99-2. Purpose.

2.1. The West Virginia Board of Education recognizes the need for students, teachers, administrators, and other school personnel to have a nurturing and orderly, safe, and stimulating educational environment. The purpose of these regulations is to provide West Virginia school districts with a policy of student conduct that will ensure an orderly and safe environment that is conducive to learning. These regulations also require that West Virginia's public schools respond immediately and consistently to incidents of harassment, intimidation, bullying, substance abuse and/or violence or other Student Code of Conduct violations in a manner that effectively deters future incidents and affirms respect for individuals. These regulations require county boards to design and implement

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prevention and response programs, to outline investigatory and reporting procedures, and to delineate penalties for violations of this policy. The West Virginia Board of Education believes further that public schools should undertake proactive, preventive approaches to ensure a nurturing and orderly and safe school environment that fosters learning and personal-social development. Public schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at school-sponsored activities. Assuring such an educational environment requires a comprehensive program supported by everyone in the school organization, as well as parents/guardians, and the community. Any form of harassment, intimidation, bullying, substance abuse, violence, or other policy violation is unacceptable in West Virginia schools.

§126-99-3. Student Code of Conduct.

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

3.1.1. Students will help create an atmosphere free from bullying, intimidation and harassment.

3.1.2. Students will demonstrate honesty and trustworthiness.

3.1.3. Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feelings of others.

3.1.4. Students will demonstrate responsibility, use self-control and be self-disciplined.

3.1.5. Students will demonstrate fairness, play by the rules, and will not take advantage of others.

3.1.6. Students will demonstrate compassion and caring.

3.1.7. Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.

§126-99-4. Application.

4.1. These regulations apply to all students attending public schools in West Virginia during any education-sponsored event, whether in a classroom, elsewhere on school premises, on a school bus or other vehicle used for a school related event, or at a

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school-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by a county board of education, Regional Education Service Agency (RESA) or West Virginia Department of Education, or in another facility being used by any of those agencies.

4.1.1. Students who do not behave in a manner that promotes a nurturing, orderly, safe environment conducive to learning will be subject to the responses to violations as outlined in §126-99-7.

4.1.2. This policy does not supercede any rights granted to special education students by federal or state law or other West Virginia Board of Education policy.

§126-99-5. Planning by County Boards of Education.

5.1. County boards of education shall develop a plan for the implementation of this policy. This plan shall reflect the particular needs of students and staff members to study, learn and work in an environment free from Student Code of Conduct violations. To the maximum extent possible, these plans shall be developed collaboratively with state and local agencies that share the purposes of this policy.

5.2. By July 1, 2003, each county board of education shall develop or revise its existing policies to address all forms of Student Code of Conduct violations. This document represents the minimum components needed in a Student Code of Conduct. Counties may add components to reflect county school system policy and procedures.

5.3. To ensure understanding of the Student Code of Conduct, each county board of education must develop and implement an education program for each grade level, as well as a program for all faculty and staff. The programs, at a minimum, must: raise awareness of the different types of Student Code of Conduct violations, how they are manifested, their devastating emotional and educational consequences, and their potential legal consequences. In addition, multicultural education programs must be developed and implemented for faculty, staff and students to foster an attitude of understanding and acceptance of all individuals.

§126-99-6. Attendance Policy.

6.1. The West Virginia Board of Education emphasizes the value of regular attendance in enabling students to benefit from the school's education programs. W.Va. §126CSR81, West Virginia Board of Education Policy 4110, Attendance, places responsibility on students to attend school on a daily basis, and on each parent or guardian to send his/her child(ren) to school on a daily basis.

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6.2. Recognizing that frequent absences and tardiness, for any reason, are certain to adversely affect the student's schoolwork, each county school system will implement an attendance policy that includes the policy components outlined in W.Va. §126CSR81, West Virginia Board of Education Policy 4110, Attendance, in order to communicate the expectation that students will be in school every day except when illness, injury, or some providential condition beyond the student's control prevents attendance.

6.3. Absences resulting from the mandatory suspension/expulsion of a student due to a violation of W.Va. Code §18A-5-1a (battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug) shall not be calculated in the school's/county's attendance rate.

§126-99-7. Violations of the Student Code of Conduct.

7.1. This policy classifies student violations of the Student Code of Conduct in four levels. County policies may reclassify specific violations as Level I, II, or III, depending on the severity or repetition of the violations and provided this reclassification assures that the treatment of the violations is consistent with W.Va. Code. W.Va. Code requires that the principal shall suspend a student who commits a violation classified as a Level IV in this policy. Level III and IV violations are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct. County/school policies should identify responses and/or interventions that include, but are not limited to, examples provided in this policy to address Level I and II violations. Each county and/or school shall identify the individual who will receive complaints of violations of the Student Code of Conduct, and develop a procedure for acting upon those complaints. The specific procedures to be followed when any staff member observes any violations outlined in this policy should be outlined in county/school policies.

7.1.1. Level I Violations.

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

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

c. Disorderly Conduct. A student will not harass another student or other person or misbehave in a manner that causes disruption or obstruction to the education process. Disruption caused by talking, making noises, throwing objects, or otherwise

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distracting another person, constitutes disorderly conduct. Behavior is considered disorderly if a teacher is prevented from starting an activity or lesson, or has to stop instruction to address the disruption.

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

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

f. Inappropriate Dress and Grooming. A student will not dress or groom in a manner that 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 any drug-, alcohol- or tobacco-related product that is prohibited in school buildings, on school grounds, in school-leased or owned vehicles, and at all school-affiliated functions.

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

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

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

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

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

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

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school, a student will not return to the school premises without permission of the proper school authorities.

m. Truancy. In accordance with W.Va. §126CSR81, West Virginia Board of Education 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.

7.1.2. School Responses to Level I Violations.

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

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

- A. Administrator/student conference or reprimand,
- B. Administrator and teacher-parent/guardian conference,
- C. Referrals and conference to support staff or agencies,
- D. Referral to a tobacco cessation program,
- E. Daily/weekly progress reports,
- F. Behavioral contracts,
- G. Change in the student's class schedule,
- H. School service assignment,
- I. Confiscation of inappropriate item,
- J. Restitution/restoration,
- K. Before and/or after-school detention,
- L. Denial of participation in class and/or school activities,

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day, M. Immediate exclusion by teacher from one class period of the school

N. Weekend detention,

O. In-school suspension,

P. Out-of-school suspension for up to three days, or

Q. Law enforcement notification.

7.1.3. Level II Violations.

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

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

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

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

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

f. **Gambling.** A student will not engage in any game of chance or contest wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official school functions.

g. **Gang Activity.** A student will not, by use of violence, force, coercion, threat of violence, or gang activity, cause disruption or obstruction to the educational

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process. Gangs are defined as organized groups of students and/or adults who engage in activities that threaten the safety of the general populace, compromise the general community order, and/or interfere with the school district's education mission.

A. Gang activity includes:

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

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

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

(d) Recruiting student(s) for gangs.

h. Insubordination/Unruly Conduct. A student will not ignore or refuse to comply with directions or instructions given by school authorities. Refusing to open a book, 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.

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

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

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

a. Any Level I response.

b. Out-of-school suspension for up to ten (10) days.

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

a. Alcohol. A student will not possess, distribute or be under the influence of alcohol in an educational facility, on school grounds, a school bus or at any school-sponsored function.

b. Defacing School Property. A student will not willfully cause defacement of, or damage to, property of the school or others. Actions such as writing in school textbooks or library books, writing on desks or walls, carving into woodwork, desks, or tables, and spray painting surfaces are acts of defacement. Examples of damage to school property include, but are not limited to, ruining bulletin boards, intentionally clogging the plumbing system, breaking light bulbs or fixtures, and damaging school equipment to the point where repair is necessary.

c. Disobeying a Teacher in a Willful Manner. A student will not willfully disobey a teacher.

d. 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.

e. 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.

f. Marijuana (Simple Possession). A student will not possess or be under the influence of marijuana in an educational facility, on school grounds, a school bus or at any school-sponsored function.

g. Physical Altercation. A student will not participate in a physical altercation with another person while under the authority of school personnel.

h. Profane Language. A student will not use profane language directed at a school employee or a student. Using profane language may include, but is not limited

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to, verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school employee or student.

i. Theft. A student will not, without permission of the owner or custodian of the property, take property or have in his or her possession, property valued at between \$100 and \$999.

j. Threat of Injury or Injury. A student will not threaten to injure another student, a teacher, administrator or other school personnel. [This includes assault on a school employee defined in W.Va. Code 61-2-15(a)].

k. Violation of School Rules or Policies. A student will not habitually, as defined by the county, violate school rules or policies.

7.1.6. School Responses to Level III Violations.

a. A principal may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principal, after an informal hearing pursuant to W.Va. Code §18A-5-1(d), has committed any Level III Violations.

b. If a student has been suspended pursuant to W.Va. Code §18A-5-1a(b) or (c), the principal may request that the superintendent recommend to the county board that the student be expelled following the provisions in subsections (b) through (l) of W.Va. Code §18A-5-1a.

c. Any school responses to Level I and II Violations.

d. Agency notification, such as the West Virginia Department of Health and Human Resources.

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

a. 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 as outlined in W.Va. Code §61-2-15(b).

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

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

d. **Possession of a Firearm or Deadly Weapon.** According to W.Va. Code §18A-5-1a(a), a student will not possess a firearm or deadly weapon as defined in W.Va. Code §61-7-2, on any school bus as defined in W.Va. Code §17A-1-1, or in or on any public or private primary or secondary education building, structure, facility or grounds thereof, including any vocational education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in W.Va. Code §61-7-11a.

A. As defined in W.Va. Code §61-7-2, a "dangerous weapon" means any device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, gravity knife, knife, switchblade knife, nunchuka, metallic or false knuckles, pistol, or revolver. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs, with the intent to harm another. A pocket knife with a blade of three and one-half inches or less shall not be included in the definition of knife as defined in W.Va. Code §61-7-2 unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.

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

7.1.8. **School/County Responses to Level IV Violations.** Level IV Violations in this policy are those violations addressed in W.Va. Code §18A-5-1a that require the mandatory suspension of the student by the principal from school, or from transportation

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to or from the school on any school bus, after an informal hearing pursuant to subsection (d) of W.Va. Code §18A-5-1a.

a. Pursuant to W.Va. Code §18A-5-1a(b), if a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of this state if committed by an adult; or unlawfully possessing a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §§60A-1-101 et seq., on the premises of an educational facility, at a school-sponsored function, or on a school bus, the principal may request that the superintendent recommend to the county board that the student be expelled.

b. If a student has been suspended for battery on a school employee, possession of a firearm or deadly weapon, or sale of a narcotic drug pursuant to W.Va. Code §18A-5-1a, the principal shall, within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.

c. Upon such request of the superintendent by a principal, the county superintendent shall recommend to the county board that the student be expelled.

d. Upon such recommendation to the county board by the superintendent, the county board shall conduct a hearing in accordance with W.Va. Code §18A-5-1a subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the county board finds that the student did commit the alleged violation, the county board shall expel the student.

e. Students may be expelled pursuant to W.Va. Code §18A-5-1a for a period not to exceed one school year, provided that a county superintendent may lessen the mandatory one-year period of expulsion if the circumstances of the pupil's case demonstrably warrant such a reduction following the guidelines provided in W.Va. Code §18A-5-1a (i).

f. A county board of education that expels a student, may attempt to establish the student as a "dangerous student" as defined in W.Va. Code §18A-5-1a, at a hearing to determine the expulsion of the student. In a notice to the parent/guardian, the county board shall state clearly whether the board will attempt to establish the student as a "dangerous student" and will include any evidence to support its claim in this notice of the hearing date and time.

g. W.Va. Code §18A-5-1a defines a "dangerous student" as a student who is substantially likely to cause serious bodily injury to himself, herself or another individual within that student's educational environment, which may include any alternative education environment as W.Va. §126CSR20, West Virginia Board of Education Policy 2418,

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Alternative Education Programs for Disruptive Students, as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of any offense.

h. A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education pursuant to the conditions outlined in W.Va. Code §18A-5-1a but must re-evaluate this decision at least every three months.

i. With regard to students with disabilities, nothing in this policy may be construed to be in conflict with the federal provisions of the individuals with Disabilities Education Act (IDEA) Amendments of 1997 (Public Law 105-17), or with W.Va. §126CSR16, West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students.

§126-99-8. Guidelines for Suspension and Expulsion.

8.1. Suspension is considered a temporary solution to a violation of the Student Code of Conduct until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days. A student is entitled to an informal hearing when faced with a suspension of ten (10) days or less. At this hearing, the principal must explain why the student is being suspended, and the student must be given the opportunity to present reasons why s/he should not be suspended. However, a student whose conduct is detrimental to the progress and general conduct of the school may be suspended immediately and a hearing held as soon as practical after the suspension. A student may not participate in any school-sponsored activities, or be permitted on school grounds during the period of suspension without permission of school officials. Other procedures the school must follow when dealing with suspensions are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

8.2. A suspension of more than ten (ten) days requires a formal hearing before the county board of education. Procedures the school and county must follow when dealing with suspensions of more than ten (10) days are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

8.3. The county superintendent, upon recommendation by the principal, may recommend that a county board of education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the

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county board of education agrees to act upon recommendations to expel a student from school. These procedures are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

8.4. W.Va. Code §18A-5-1 and §18A-5-1a require mandatory suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the county board of education for: possession of a deadly weapon, battery of a school employee, or sale of a narcotic drug. Procedures that must be followed when dealing with an expulsion are outlined in W.Va. Code §18A-5-1 and §18A-5-1a.

8.5. According to W.Va. Code §18A-5-1, a teacher or bus driver may exclude from a classroom or bus any student who: is guilty of disorderly conduct; interferes with an orderly education process; threatens, abuses, intimidates or attempts to intimidate a school employee or student; willfully disobeys a school employee; or uses profane or abusive language toward a school employee. Once a student is excluded from the classroom or bus, the student must be referred to the appropriate administrator who will take disciplinary action, notify the parent/guardian in writing of the disciplinary action taken, and provide a copy to the teacher or bus driver before the student is readmitted to class or to the bus.

§126-99-9. Complaint Procedures.

9.1. All violations of the Student Code of Conduct observed by school employees or by students must be reported to the appropriate personnel for appropriate action to be taken as specified in this policy. Each county/school policy shall designate the individual(s) who will receive complaints about violations of the Student Code of Conduct as indicated in §126-99-7, above. Employee failure to report a violation is addressed in W.Va. Code §126CSR142, West Virginia Board of Education Policy 5310, Performance Evaluation of School Personnel.

9.2. County boards of education shall develop procedures to assure that any person who believes he or she has been the victim of a Student Code of Conduct violation or any person with knowledge or belief of conduct which may constitute a violation of the Student Code of Conduct has an identified mechanism to report the alleged acts immediately to an appropriate official designated by the county's policy. Nothing in this policy shall prevent any person from reporting violations directly to the county superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency.

9.3. County Boards of Education shall develop appropriate procedures for investigating, reporting, responding, and devising consequences for the failure of the employee to appropriately respond to violations of W.Va. §126CSR99, West Virginia Board of Education Policy 4373, Student Code of Conduct, in accordance with W.Va.

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§126CSR142, West Virginia Board of Education Policy 5310, Performance Evaluation of School Personnel, in a manner that promotes understanding and respect.

§126-99-10. Investigation Procedures.

10.1. The individual(s) designated by the school to investigate, shall upon receipt of a report or complaint immediately undertake or authorize an investigation. The investigation may be conducted by school/school system officials, or by a third party designated by the school system, in accordance with this policy and the procedures developed pursuant to §126-99-9, above.

10.2. The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator. When any student is to be interviewed in connection with an investigation pursuant to a Level IV violation, a reasonable effort shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at Levels II and III and discretionary at Level I.

10.3. The principal shall immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.

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

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

10.6. The investigation will be completed as soon as practicable but no later than ten school days following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period. The investigator shall make a report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been

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substantiated as factual and whether they appear to be violations of this policy. County procedures must be developed for the recording and filing of these reports at the local level.

10.7. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

10.8. Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

§126-99-11. County Board of Education Action and Reporting.

11.1. Upon receipt of a report substantiated by staff observation or by the investigation, the principal, superintendent or local board of education will take appropriate action against those found to have violated §126-99-6 pursuant to W.Va. Code §18A-1-1 and §18A-5-1a.

11.2. The principal or superintendent shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with the county's plan developed pursuant to §126-99-5, above.

11.3. The principal, superintendent or designee shall promptly enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of all violations of the Student Code of Conduct.

§126-99-12. Reprisal.

12.1. The county board of education will develop discipline procedures to take appropriate action against any student who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. The county board of education will develop a discipline process to take appropriate action

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against any student, administrator or other school personnel who falsely reports violations of this policy.

§126-99-13. Right to Alternative Complaint Procedures.

13.1. These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal statutes and/or federal law.

§126-99-14. Dissemination of Policy and Training.

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

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

14.3. When a student enters middle/junior high/high school for the first time, the student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the policy and consequences associated with violations.

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

§126-99-15. Assessment of Effectiveness.

15.1. The West Virginia Department of Education will prepare an annual report to the West Virginia Board of Education to include: reported and substantiated incidents of Student Code of Conduct violations; action taken in response to incidents; and training and staff development offered by the counties and other agencies.

126-99-16. Identification of and Classification as a Persistently Dangerous School.

16.1. As required by H.R. 1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind), West Virginia will use the criteria set forth in section 16.2 of this policy to determine whether a school will be classified as a Persistently Dangerous School. Beginning with the 2002-2003 school year, and in each subsequent year, data indicating the number of substantiated violations at each school as set forth in section 16.2 of this

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policy will be collected using the West Virginia Education Information System (WVEIS) in order to identify and classify a school as persistently dangerous.

16.2. A West Virginia public school will be classified as a Persistently Dangerous School on or before July 1, beginning in 2003, and in each subsequent year, if the school has, for two consecutive years, substantiated violations of the following offenses that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment:

- a. Battery on a school employee [W.Va. Code §61-2-15(b)].
- b. Commission of an act or conduct that would constitute a felony under the laws of the state.
- c. Possession of a firearm or deadly weapon as defined in W.Va. Code §61-7-2 on any school bus as defined in W.Va. Code §17A-1-1, or in any public or private primary or secondary education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in W.Va. Code §61-7-11a.
- d. Sale of 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.

16.3. Beginning with the 2003-2004 school year, county school systems must provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in section 16.2 of this policy that exceed three percent (3%) of the total number of students enrolled in the school, based on the school's second month enrollment.

16.4. Beginning with the 2003-2004 school year, the West Virginia Department of Education must provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in section 16.2 of this policy that exceed three and seventh-five one hundredths percent (3.75%) of the total number of students enrolled in the school, based on the school's second month enrollment.

16.5. Beginning with the 2003-2004 school year, a student attending a Persistently Dangerous School, as defined by the state, 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 Local Education Agency (LEA).]

16.6. Beginning with the 2003-2004 school year, a LEA that has one or more schools identified as persistently dangerous must, in a timely manner, notify parents of

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each student attending the school that the state has identified the school as persistently dangerous; offer students the opportunity to transfer to a safe public school within the LEA; and, for those students who accept the offer, complete the transfer.

16.7. A LEA that has one or more schools identified as persistently dangerous must also develop a corrective action plan, submit it to the West Virginia Department of Education, and implement that plan in a timely manner.

§126-99-17. Prevention and Intervention Training.

17.1. The West Virginia Department of Education, RESAs, and LEAs shall provide training, technical assistance in research-based, effective models for violence prevention education (including the prevention of bullying, harassment, and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer mediation, responsible students program, and character education. Training, technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop interventions to assure school success for these students.

§126-99-18. Severability.

18.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

NO _____ DRAFT NO _____ BILL NO HB RESOLUTION NO _____

SUBJECT Student Code of Conduct FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

BASIS OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

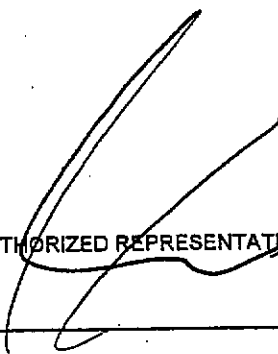
| EFFECT OF PROPOSAL | ANNUAL | | FISCAL YEAR | | |
|-----------------------------|----------|----------|-------------|-------|------------|
| | INCREASE | DECREASE | CURRENT | NEXT | THEREAFTER |
| 1. ESTIMATED TOTAL COST | \$ | \$ | \$ 00 | \$ 00 | \$ 00 |
| PERSONAL SERVICES | \$ | \$ | \$ | | |
| CURRENT EXPENSES | | | | | |
| REPAIRS/ALTERATIONS | | | \$ | \$ | |
| EQUIPMENT | | | | | |
| OTHER | | | | | |
| 2. ESTIMATED TOTAL REVENUES | \$ | \$ | \$ | \$ | \$ |

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

DATE
9/30/02

AGENCY
Education

AUTHORIZED REPRESENTATIVE



**POLICY 4373: STUDENT CODE OF CONDUCT
COMMENT LOG**

October 22, 2002 - November 22, 2002

Action Type
 N: No Response - Negative
 NA: Not Accepted + Positive
 A: Accepted o Neutral

| Date | Individual/Organization | Comments | Action/Type | Rationale |
|----------|--|--|-------------|--|
| 11/7/02 | William Niday Principal Parkersburg High School Parkersburg, WV 26101 | <p>§126-99-1. General.</p> <p>A policy that has as much direct influence into the operation of a school should never be passed as late as the current policy was. We had training on this policy one week before we had to implement the policy. This is not appropriate. A policy of this magnitude should be passed by at least May to be implemented the following school year. This would allow us to get information, our student handbooks and to properly prepare.</p> <p>Also, I think principals' input should be used during the drafting of a policy concerning discipline. Principals are expected to implement the policy. Principals should be involved in the writing of the policy. This would help eliminate some of the problems that needed to be addressed.</p> | N | <p>This comment does not request a change in the language of the policy.</p> <p>This recommendation will be considered in future policy revisions of a similar nature.</p> |
| 11/21/02 | James P. Brannon Principal Cross Lanes Elementary Cross Lanes, WV 25313 | <p>With the following mentioned procedures/concerns you are rendering the principal ineffective in being a school and curriculum leader. You are increasing the job stress, without taking anything away. No wonder you are facing a shortage of certified and qualified principal applicants. No one wants the job. I love being a principal, but you are creating an environment in which I cannot function effectively. I am a former National</p> | N | No action requested. |

| | | §126-99-1. General. (con't.) | | | |
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| 11/21/02 | James P. Brannon Principal Cross Lanes Elementary Cross Lanes, WV 25313 | Distinguished Principal and am current WV Counselor's Association Administrator of the Year, with 26 years as a principal. I know a little bit about what I am writing. | | | |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | I agree with the general purpose of this policy. | N | No action requested. | |
| 11/22/02 | Joyce Embrey Principal Midland Trail Elementary Belle, WV 25015 | With the above mentioned procedures you are rendering the principal ineffective in being a school and curriculum leader. You are increasing the job stress, without taking anything away. No wonder you are facing a shortage of certified and qualified principal applicants. No one wants the job. I love being a principal, but you are creating an environment in which I cannot function effectively. I am a former National Distinguished Principal and am current WV Counselor's Association Administrator of the Year, with 26 years as a principal. I know a little bit about what I am writing. | N | This comment does not request a change in the language of the policy. | |
| 11/22/02 | Hardy County Board of Ed. Moorefield, WV 26836 | The Hardy County Board of Education members have reviewed this policy and unanimously support the recommendations. | N | No action requested. | |
| 11/22/02 | Jack L. Reger Principal Phillippi Middle School Beilington, WV 26250 | Good intent. | N | No action requested. | |
| 11/22/02 | Edward J. Alfred Principal Jefferson Elementary Parkersburg, WV 26101 | 1. There needs to be a separate code for students and teachers. The code for teachers does not need to be displayed in the classrooms along with the students. 2. The statements are too ambiguous. The old code was more specific. Both the old code and the new code need to be combined. The statements need to be categorically listed under the 5 original codes. | N | 1. There is a separate Code of Conduct for employees - (Policy 5902). 2. Several formats were reviewed and this is the one that was approved by the WV Board of Education. | |

| | | §126-99-1. General. (con't.) | | | |
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| 11/22/02 | Edward J. Alfred Principal Jefferson Elementary Parkersburg, WV 26101 | | 3. The levels are overlapped. The need to report to the State should be limited to Level 4. Any other report can be placed on WVEIS. | N | 3. See responses in Section 11.3. |
| 11/22/02 | No Name 2 | | While proposed Policy 4373 is what everyone associated with WV public schools wants to have ideally, an urgent need to rework its language exists. It addresses primary, middle and high school level violations in a punitive manner. Age appropriate consequences geared for pre-kindergarten, primary, and intermediate development of right and wrong must -be- built- in! Otherwise the climate of WV schools may become one of a morality enforcing police state. Objectivity demands considering all aspects affecting child behavior including a counselor's intervention and opinion whenever necessary. | N | Section 7.1.2. a refers to a number of interventions in lieu of punishment. |
| 11/22/02 | No Name 3 | | I think there is way too much paperwork and formal reporting of every instance of children talking and not staying on task. | N | No action requested. |
| 11/22/02 | Teacher Holz Elementary School Charleston, WV 25314 | | Already in place - Sexual Harassment, Bullying Policy, Weapons, Character Education, Multi-cultural Education, Safe Schools | N | No action requested. |
| 11/22/02 | Amy Haden Sorrells LSIC Chair/Parent Holz Elementary Charleston, WV | | The reporting and other requirements for all levels of violations is unduly burdensome. In addition, the legislative rule scheme promotes state-wide management of discipline matters, especially with regard to minor infractions, that are best left to the discretion of local school administrators and teachers, not the State Board of Education. | N | (See comments in Section 126-99-11 regarding reporting violations). County policy may reclassify specific violations as Level I, II and III as indicated in Section 7.1 of the policy. |

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| 11/22/02 | Amy Haden Sorrells LSIC Chair/Parent Holz Elementary Charleston, WV | <p>§126-99-1. General. (con't.)</p> <p>To the extent that there are more serious violations under the category of Level II violations, such as for bullying/harassment/intimidation (section 126-99-7.1.3), it would appear that these should be governed by county policy, where such policy exists. For example, in Kanawha County there is a bullying policy which is being effectively promulgated and which addresses this section.</p> <p>To the extent that there are more serious violations enumerated under Level II, such as bullying/harassment/intimidation, gang activity, or theft conduct violations, perhaps these should be reclassified as Level III violations for which reporting should be required. But, to burden already burdened school personnel with report and investigation requirements for many of the minor violations listed under Level I and Level II is not an effective use of limited school personnel resources. The resolution of more minor conduct violations listed under this proposed rule should be governed by county policies and left to the discretion of local school administrators.</p> <p>In addition, to the extent that any extensive reporting is required under this rule, I would recommend that budgeting for additional staffing be considered. School personnel have numerous reporting requirements to county, state and federal offices in the today's world of education. In each instance where additional requirements are added to the staffs at schools, I think that overall staffing needs should be addressed and personnel hired to meet the requirements so that our teachers and principals can do their jobs effectively and not be unduly burdened by red tape.</p> | N | <p>Counties may choose to develop <u>two separate policies</u> ("Bullying, Harassment, and Intimidation" and "Student Code of Conduct") or <u>one policy</u> that addresses both issues.</p> <p>The WVEIS discipline reporting system is being revised to make the reporting of all violations less burdensome.</p> <p>In order to collect useful data, all violations must be reported.</p> <p>Improvements in the WVEIS reporting system are being made to address this concern.</p> |
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| | <p>\$126-99-1. General. (con't.)</p> <p>Finally, the legislative rule scheme appears to penalize schools for accurately reporting conduct violations by classifying such schools as "persistently dangerous schools." It would appear that redress for students affected by an unsafe school environment could be addressed in a different manner, in a way that does not create a disincentive for the individual schools to accurately report information to the State Board of Education.</p> | N | <p>This classification is a requirement of recent federal legislation (No Child Left Behind).</p> |
| <p>11/22/02</p> <p>Amy Haden Sorrells LSIC Chair/Parent Holz Elementary Charleston, WV</p> | <p>This is in response to the proposed legislative Rule 126, Series 99 that will enact changes to the way local schools report their Level I and II offenses. Currently, the schools must report Level III and IV violations to the WV Department of Education (see 126-99- 11.3), but under the proposed rule Level I and II offenses must also be reported. Although Level I and II violations are serious enough to be investigated at the local level, the reporting of those incidents should not rise to the importance of the WVDE level.</p> <p>This extreme form of micro-managing at the State level will affect the schools in two ways. First, those minor offenses that are reported will be attached to the student as part of their permanent record (at the State Level) and will follow them as a label possibly for their entire school career (at least through the 12th Grade). This unfortunate label will hamper and unduly burden the student and could effect their academic performance. Secondly, this proposed ruling will also unduly burden the local schools with too much bureaucratic weight, which will pull them away from their first priority, which is teaching the students.</p> <p>This letter is not in opposition to the types of violations/offense listed in the legislative ruling, but rather the need to report all violations and infractions to the WV Department of Education. Such over-reporting is definitely not conducive to a sound educational process and common sense.</p> | N | <p>In order to collect useful data, all violations must be reported.</p> <p>Efforts are under way to improve the WVEIS discipline reporting system in order to address reporting concerns.</p> |

| | \$126-99-1. General. (con't.) | | | |
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| 11/22/02 | Lynn Snowden LS/C/Parent Holz Elementary Charleston, WV | I commend the WV Board of Education for addressing the student conduct within West Virginia schools. The recent events national suggest that work is highly needed. | N | No action requested. |
| 11/22/02 | Kelly Hill Parent Charleston, WV | <p>The main concern that I have with the entire document is that it is grouping age levels from pre-k all the way through 12th grade. Let's think about that, is a 4-year old going to drive a motor vehicle illegally? I don't think so. Is a kindergarten teacher going to document a Level I violation when a child looks on another child's paper to know the correct phonic letter?</p> <p>In my son's first grade year, I was concerned about the "pod" seating. I addressed it and was informed that this type seating at this age encourages children who have less ability to be able to look off a child that understands. So my question, do first graders cheat or help each other learn the basic study skills?</p> <p>126-99-2-1 states that the public school responds immediately and consistently to each incident. Who is going to monitor and enforce the consistency? Teachers are human and each has different personality traits, for example, behavior that is considered disruptive may be tolerated by one teacher and could aggravate another. This human nature instinct alone will cause inconsistencies in the practice.</p> <p>126-99-3-1 I understand that this rule is stating how children should act, but honestly, how many are capable of meeting all of these requirements. Adults usually don't have the ability to act and treat others this way. I would like to address this for a moment, a child that has not been raised in a loving, caring, compassionate, respectful, fair, etc. home environment, does not have the ability to walk in the school system and behave as a perfect child, so the responsibility falls on the teachers, counselors, aids, principals, and custodians to retrain this child showing them the correct ways to act and behave. This is not an overnight process, this alone could take one (1) month, which in turn could get a child documented in this database twenty (20) times, once per day.</p> | N | <p>The Student Code of Conduct (126-99-3) applies to all grade levels.</p> <p>A practice that is encouraged by teachers/a school would not be considered cheating.</p> <p>On-going staff development and training is being provided to assure consistent application of the policy.</p> <p>The policy emphasizes the use of education and interventions to prevent repeated violations.</p> |

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| | | §126-99-1. General. (con't.) | | |
| 11/22/02 | John Reynolds Liberty High School Glen Daniel, WV 25844 | The old code of conduct said in Article 1 that students shall: attend school faithfully, complete assignments on time, and work to their full potential. This needs to be put back into the new code of conduct. There is nothing in the new code that requires students to work. | N | Policy 4373 addresses school attendance in Section 126-99-6. Section 7.1.3.h. addresses completing assignments on time. Section 3.1.4. includes the concept of working to one's full potential. |
| | | §126-99-4. Application | | |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | I agree with the application of this policy. | N | No action requested. |
| 11/22/02 | Jack L. Reger Principal Phillipi Middle School Belington, WV 26250 | 4.1.2 - Why develop rules/policies that do not apply to all students equally? Will schools be identified as persistently dangerous due to violations committed by special education students? Treat all students equally. Don't excuse or make excuses for students who, as adults, must comply w/in society. | N | This comment does not request a change in the language of the policy. |
| 11/22/02 | No Name 2 | Concerned that one faculty/staff person might see a Level 1 violation as a Level 3 violation. Subjective interpretations may consciously or sub-consciously arise from a personality conflict. Too many exaggerated violations might mar an otherwise "active" students' records for life with a stigmatizing label. Some students' parents might not be vocal as a pro-advocate of their student's rights as must be done in some cases requiring a board hearing. | N | County policy may include more specific definitions to prevent subjective interpretation. |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | This section does not spell out whether this policy applies to all grades equally. It seems as if reporting requirements should be different for Preschool and Kindergarten than for Junior High School students. | N | Policy 4373 applies to all grade levels. Some violations will typically occur infrequently at the elementary level due to the nature of the violations. |
| | | §126-99-5. Planning by County Board of Education | | |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | 5.3 - More time spent focusing on something other than an academic area! | N | No action requested. |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | It seems unreasonable to expect that the County Boards of Education can implement these new policies by May 1, 2003. County Boards that have existing policies should be given some latitude for this timeline. | N | Counties are required to have policy developed/revised by May 1, 2003. The effective date for implementation is July 1, 2003. |
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| | | §126-99-5. Planning by County Board of Education (con't.) | | |
| 11/22/02 | Kelly Hill Parent Charleston, WV | 126-99-5-3 - Will the Kanawha County Board of Education develop and implement an education program for each grade level? Will this program keep pre-k from being treated like a 12 th grader? | N | Policy 4373 requires an education program at each grade level to raise awareness of violations as appropriate for each grade level. |
| 11/22/02 | Emilio Garza, Jr. Asst. Principal Calhoun Co. Middle Calhoun County | 5.2 - An implementation date should be specified. We recommend August 15, 2002. This would allow the schools to finalize their plans, with staff involvement, for the future, and still be able to get through the current school year and summer school, using their current policies and procedures. In my opinion, doing this would result in less disruption or problems for the staff, students, and community. | A | A July 1, 2003 effective date has been inserted in Section 1.4 of the policy. |
| 11/22/02 | Tammy Chambers Kindergarten Teacher Paden City Elementary Paden City, WV 26159 | Extended deadline will be needed for all the paperwork involved. | A | See comment above. |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | §126-99-6. Attendance Policy No comment needed. | N | No action requested. |
| 11/22/02 | Jack L. Reger Principal Philippi Middle School Beington, WV 26250 | 6.1 and 2 - This should be deleted. Although important and essential, an attendance policy already exists. | N | This language was retained to establish a link between the two policies. |
| 11/22/02 | Lee A. Horn Kindergarten Teacher Paden City, WV | Attendance should be part of code of conduct. Who knows how to learn to behave without attending school. They aren't learning at home. | N | The purpose of this section is to emphasize the importance of attendance. |
| 11/22/02 | Elliott Kendle 4 th Grade Teacher Paden City, WV | Attendance is not included on the Student Code of Conduct and should not be included here. This just creates unneeded work and regulations since it is covered in other policies. | N | The intent is to make a reference to the importance of attendance. |

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| 11/22/02 | Emilio Garza, Jr. Asst. Principal Calhoun Co. Middle Calhoun County | <p>§126-99-6. Attendance Policy (con't.)</p> <p>The authorization to withhold and/or deny credits for excessive absences, and in particular unexcused absences, should be reinstated. Already, student absences seem to be on the rise. It is not enough to tell students or parents or to require students to attend school regularly. Even rewards do not seem to have much impact. A consequence such as credit withholding and/or denial is needed.</p> | N | This recommendation is in conflict with state board policy requiring credit to be awarded for mastery of content standards, rather than for attendance. |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | <p>§126-99-7. Violations of the Student Code of Conduct</p> <p>c. Disorderly Conduct - some of these infractions occur frequently at the elementary level (talking, making noises, etc.). If the teacher has to stop instruction to comment each time an infraction occurs, instruction time will also suffer.</p> <p>k. Who will monitor before and after school detention?</p> | N | The intent of the policy is that all violations be addressed. In order to collect useful data, all violations must be reported. |
| 11/6/02 | Dianne Boggess Coordinator, Safe & Drug-Free Schools Program Wood County Schools Parkersburg, WV 26101 | <p>Both sections 7.17.c and 7.1.8.a. of the policy must contain the phrase "on a school bus" to be consistent with section 7.1.5.a. and section 7.1.7.e. Also, section 7.1.8.a must include "distributing" and "under the influence" not just "possession" as the section currently reads. My suggestion is to rewrite them as below.</p> <p>7.1.7.c. Possession of a Controlled Substance. According to W.Va. Code §18A-5-1a(b)(ii), a student will not possess, distribute, or be under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §60A-1-101, et seq., on the premises of an educational facility, <u>on a school bus</u>, or at a school-sponsored function.</p> | A | This language "on a school bus," was added to the policy. |

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| 11/6/02 | Dianne Boggess Coordinator, Safe & Drug-Free Schools Program Wood County Schools Parkersburg, WV 26101 | <p>§126-99-7. Violations of the Student Code of Conduct (con't.)</p> <p>7.1.8. a. Pursuant to W.Va. Code §18A-5-1a(b), if a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of this state if committed by an adult; or for unlawfully possessed ing, distributing, or being under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §§60A-1-101 et seq. on the premises of an educational facility, on a school bus, or at a school-sponsored function a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §§60A-1-101 et seq., the principal may request that the superintendent recommend to the county board that the student be expelled.</p> | N | See language added in 7.1.5.f. |
| | | <p>§126-99-7. Violations of the Student Code of Conduct (con't.)</p> | | |
| 11/7/02 | William Niday Principal Parkersburg High School Parkersburg, WV 26101 | <p>I believe this policy is too prescriptive. State Policy should be more general, giving counties and schools direction, but leaving the specifics for counties and schools to determine. This draft, however, is an improvement over the original draft. The change on the response to Possession of a Controlled Substance is good.</p> | N | This comment does not request a change in the policy. |
| 11/10/02 | Mike Boyd Director of Secondary Education Wood County Schools Parkersburg, WV 26101 | <p>7.1.7 A. As defined in W.Va. Code 61-7-2, a pocket knife with a blade three and one-half inches or less shall not be included within the term "knife" as defined herein, unless such knife is knowingly used or intended to be used to produce serious bodily injury or death. (This should be added to the existing statement in the Student Code of Conduct as stated in WV Code to help alleviate some confusion as to what is classified as a knife).</p> | A | This language was added to the policy. |

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| 11/22/02 | Principal, Faculty Senate & LSIC Ruthlawn Elementary So. Charleston, WV 25309 | <p>§126-99-7. Violations of the Student Code of Conduct (con't.)</p> <p>7.1.1 - Violations and School Responses to Level I Violations. Teachers need to have the authority to take care of problems such as talking, making noises, throwing objects or other distractions in their own classrooms without the administrators' intervention. Sometimes cheating, anti-social conduct, inappropriate dress, and inappropriate displays of affection are issues that are also taken care of by the teacher in an elementary school. Please include an option for a teacher/student conference or reprimand.</p> <p>7.1.3 Level II Violations. Again, several of the Level II violations are those that are handled in the classroom in the elementary setting. The more severe offenses are written up on a county discipline slip and handled by the principal. Please include an option for a teacher/parent/student conference or reprimand.</p> <p>7.1.5 Level III Violations. Several of the Level III violations (disobeying the teacher in a willful manner, inappropriate language, and habitual violations of school rules or policies) are handled by the teacher, student and parent with conferences, lunch detention, or after school detention. Responses should include these options.</p> | N | <p>Section 7.1.1.a. provides that both administrators and staff may intervene in response to Level I violations as determined by local policies.</p> <p>Section 7.1.4.a. Provides that the same response used for Level I violations can be used for Level II.</p> <p>Because W. Va. Code §18A-5-1a identified these violations in 1995 as ones for which the principal "may" suspend and "may" request that the superintendent request expulsion, Policy 4373 treats them in the same manner.</p> |
| 11/22/02 | Principal, Faculty Senate & LSIC Ruthlawn Elementary So. Charleston, WV 25309 | <p>126-99-11-11.3 County Board of Education Action and Reporting - Reporting all Level I-IV violations would be a paperwork nightmare. Every time a student talks too much, makes a noise, says a bad word, repeatedly forgets their homework (habitually breaking school rules), doesn't obey the teacher the first time told, etc., the principal would have to enter this on WVEIS. Nearly every student, at one time or another, displays some sort of unacceptable behavior at school. In most cases, the student learns from his/her mistake and never has a more serious violation. Emphasis should be placed on students who consistently refuse to modify their behaviors. More time could be spent by the administrator helping to correct more serious violators.</p> | N | <p>In order to collect useful data all violations must be reported.</p> <p>The WVEIS discipline reporting system is being revised to make the reporting of all violations less burdensome.</p> |

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| 11/18/02 | Ken Bussoletti Rivesville, WV | I would like to see exact language that spells out the idea that students are required to complete, not "write" assignments, as letter "h" under Level II Violations reads. The poster that I was told to have displayed in my classroom says that students are to attend class faithfully, <u>complete</u> assignments on time | A | The word "complete" was substituted for the word "write" in the policy. |
| 11/22/02 | Margaret K. Sine Paden City Elementary Paden City, WV 26159 | It is good to see that "Physical Altercations" have been added to the list of violations, also that profanity toward students will not be tolerated. This section specifies that violations in levels III and IV go directly to an administrator. I believe this is a sensible requirement. | N | No action requested. |
| 11/22/02 | Paula Staley Principal Wayne Middle School Wayne, WV | 7.1.8 e - A county superintendent should not be permitted to completely dismiss the period of expulsion (no time expelled!) | N | This provision is made in W. Va. Code and would require a change in legislation. |
| 11/22/02 | Deborah Russel Principal Wayne Elementary Wayne, WV 25570 | The levels are not correct. Since when is gang activity less threatening than writing in a textbook? | N | W. Va. Code §18A-5-1a that became effective in 1995 identified "defacing school property" as a violation for which the principal may suspend and may request that the superintendent recommend expulsion. The intent of Policy 4373 is to prevent gang-related violence and harassment by identifying and addressing early signs of gang activity at Level II. |

| | §126-99-7. Violations of the Student Code of Conduct (con't.) | | |
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| 11/22/02 | Principal, Faculty Senate & LSIC Ruthlawn Elementary So. Charleston, WV 25309 | With this policy, the principal will be inputting data on WVEIS or contacting parents almost their entire day. Those students who receive a formal discipline slip should be and have always been reported to the WVDE. Please do not include this cumbersome stipulation in the policy. The parent members of our LSIC were appalled to think that almost every student would have a disciplinary "record" on file with the state for some violations of the Code of Conduct. | N No action requested. |
| 11/22/02 | No Name 2 | Concern that different faculty/staff persons may perceive/interpret a Level I violation as a Level 3 violation. Personality conflicts might either subconsciously or consciously effect a decision. Too many exaggerated violations could mar an otherwise "active" student's records with a stigmatizing label. Some students' parents may not be vocal as a pro-advocate of their students rights--especially in cases requiring a board hearing. | N The county policy can provide more specific definitions or use staff development to prevent what is described in this comment. |
| 11/22/02 | No Name 3 | I think common sense and personal judgement should guide teachers on how they will handle discipline. It's good to have some guidelines but I don't think the reporting should be mandatory. | N In order to collect useful data, all violations must be reported. |
| 11/22/02 | Teacher Holz Elementary School Charleston, WV 25314 | Samples of disorderly conduct - in elementary schools our approaches to learning checklist on report card address many of these areas and behaviors are dealt with. | N No action is requested. |
| 11/22/02 | Teacher Holz Elementary Charleston, WV 25314 | Schools are learning environments. We cannot report children, nor should we, for every infraction. Use common sense and report abuse, severe bullying, narcotics, weapons, defacing school property, etc. My day is too busy to report every detail on a form. | N The intent of the policy is to assure that violations are addressed so that children can learn and teachers can teach. |

| | §126-99-7. Violations of the Student Code of Conduct (con't. | | |
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| 11/22/02 | Amy Haden Sorrells L.SIC Chair/Parent Holz Elementary Charleston, WV | 7.1 - Amend to provide that each county and/or school shall identify the individuals who will receive complaints of Level III or IV (or some Level II violations identified below) <u>only</u> . The reporting and investigation requirements of Sections 126-99-9.9.1 and 126-99-10 should apply only to the more serious Level III or IV conduct violations, on ground that the formal reporting and other procedures are unduly burdensome to school systems and personnel and will create unnecessary bureaucratic procedures in discipline matters that are not inherently unsafe nor which rise to the level of disruption to a "nurturing, orderly, safe" school environment to merit formal requirements on a state-wide basis. The addressing of many of the Level I and II violations should be left to the local control of individual schools and county systems. | N |
| 11/22/02 | Dave Walker Principal Brooke High School Wellsburg, WV 26070 | 7.1.5 (g) How is this profanity towards a student different from the profanity towards a student defined as Level 1, Anti-Social Conduct - other than the fact that this is Level 3? 7.1.5 (i) If a student injures an employee, isn't that battery - not an assault? More specifically, isn't a threat to injure an assault and actual injury a battery? Does injury (battery) belong here or in 7.1.7 (a) - Battery on a school employee which is Level 4? 7.1.8 (e) is partially superceded by 8.4 because 7.1.8 (b) deals with the same issues as 8.4, but 8.4 carries a more substantial consequence (calendar year vs. school year). 7.1.8 (a) seems to "go with" 7.1.8 (e) more than 7.1.8 (b) does. (although, depending on circumstances, some of the felonies could be in 8.4) 8.4 Should not "assault" of a school employee be "battery" of a school employee? I addressed this because I had to refer to 8.4 in connection with 7.1.8. (e) | N A N A |

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| 11/22/02 | <p>Emilio Garza, Jr. Asst. Principal Calhoun Co. Middle Calhoun County</p> | <p>A</p> | <p>This language was added to the policy.</p> |
| | | <p>N</p> | <p>County policy may reclassify Level I, II and III violations as indicated in Section 7.1.</p> |
| | | <p>N</p> | <p>County policy may reclassify this violation.</p> |
| | | <p>A</p> | <p>This language was added to the policy.</p> |

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| | <p>§126-99-7. Violations of the Student Code of Conduct (con't.</p> | | |
| <p>11/22/02</p> | <p>Emilio Garza, Jr. Asst. Principal Calhoun Co. Middle Calhoun County</p> | <p>Also, teachers (and bus drivers) are not always consistent or unbiased in their student management, treatment of students, or handling of situations, and this can lead to student misbehavior and even confrontations or disrespect toward teachers/bus drivers. Additionally, teachers and bus drivers have allowed situations to turn into tests of will, and this has arbitrarily convinced them that the student has to be punished instead of seeking alternatives to help the student to change his/her behavior.</p> | <p>(See comment above.)</p> |
| <p>11/22/02</p> | <p>Pat Mason Asst. Superintendent Mineral County Schools Keyser, WV 26726</p> | <p>f - should be re-titled as Physical Altercation/Fighting for clarity. 7.1.1.k - Notation should be made that this is a violation of state law, and that students will be turned in to local legal authorities. 7.1.1 e- In appropriate displays of affection this is ok as written, but a more severe form of these displays should be included at a higher level. For example, should actual intercourse happen at a school activity, e.g., school trip, the punishment should be more severe than 3 days OSS. 7.1.5 i - "A student will not threaten..." include verbally, written, or by electronic means" (we had an example of an internet threat against a teacher. 126-99-8 - Shouldn't 8.4 be consistent with 7.1.7a and 16.1a, e.g., "assault"?</p> | <p>This was added in a previous revision. County policy may add this language. County policy may address this type of violation. Policy 4373 addresses this Section 7.1.1.j Section 8.4 was revised by replacing the word "assault" with the word "battery."</p> |
| | <p>§126-99-7. Violations of the Student Code of Conduct (con't.</p> | | |
| <p>11/22/02</p> | <p>Tammy Chambers Kindergarten Teacher Paden City Elementary Paden City, WV 26159</p> | <p>Give classroom teachers a little credit.</p> | <p>No action requested.</p> |

| | | §126-99-9. Complaint Procedures | | | |
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| 11/21/02 | James P. Brannon Principal Cross Lanes Elementary Cross Lanes, WV 25313 | 9.1 - Teachers are professionals and can handle infractions. Research has indicated that those teachers who handle discipline problems have better control compared to teachers who constantly refers students to the office. The only "appropriate personnel" at the elementary school would be the principal. If he/she takes care of all discipline procedures then he/she will have little time for anything else. | | N | No action requested. |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | The paper trail continues to grow! | | N | No action requested. |
| 11/22/02 | Margaret K. Sine Paden City Elementary Paden City, WV 26159 | If "appropriate personnel" includes classroom teachers (who should be addressing level I and II violations without assistance from an administrator), then I believe this is reasonable. If it means that level I and II violations must be reported to an administrator, I believe this will slow down a currently effective system in many schools. If all level I and II violations must be reported to administration, it may give students the impression that the teachers have no authority to enforce the Code of Conduct on their own. | | N | Section 7.1.2.a. is to be interpreted to include classroom teachers. |
| 11/22/02 | Joyce Embrey Principal Midland Trail Elementary Belle, WV 25015 | 9.1 - Teachers are professionals and can handle infractions. Research has indicated that those teachers who handle discipline problems have better control compared to teachers who constantly refers students to the office. The only "appropriate personnel" at the elementary school would be the principal. If he/she takes care of all discipline procedures then he/she will have little time for anything else. | | N | This comment does not request a change in the language of the policy. |
| | | §126-99-9. Complaint Procedures (con't.) | | | |
| 11/22/02 | No Name 3 | If every infraction is to be documented and reported there will be little time left for teaching. Are we teachers or statisticians? | | N | The intent of the policy is that all violations shall be addressed. |

| | §126-99-9. Complaint Procedures (con't.) | | |
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| 11/22/02 | Teacher Holz Elementary School Charleston, WV 25314 | How do you intend to monitor. Not all teachers will report violations or others will abuse power - can't violations be handled at school level by principal/teachers/parents/counselors? So much paperwork, meetings, etc. to protect self. What is purpose of sending all this to state department? | N |
| 11/22/02 | B. Hyatt Teacher Holz Elementary Charleston, WV 25314 | Who takes complaint in schools? Would the complaint come back on school? | N |
| 11/22/02 | Teacher Holz Elementary Charleston, WV 25314 | Too much paperwork. When do we TEACH? Are we going to hire extra people to do this? | N |
| 11/22/02 | Teacher Holz Elementary Charleston, WV 25314 | It would be good to have all information centralized but wouldn't reporting this on WVEIS take a lot of man hours? | N |
| 11/22/02 | 4 th Grade Teacher Holz Elementary Charleston, WV | Level I and II should be handled by the appropriate teacher unless the behavior is excessive. Too much paper work for some Level I incidences. Some Level I or II violations may need to be reported but should be principal or teacher discretion. | N |
| 11/22/02 | Lee A. Horn Kindergarten Teacher Paden City, WV | The report of all violations to administrators would monopolize all time for teaching. Only most serious warrant reporting. You tie the hands of employees by basing it on employee conduct. Teachers know what warrants reporting due to seriousness. | N |
| 11/22/02 | Elliott Kendle 4 th Grade Teacher Paden City, WV | All violations should not have to be reported. Minor classroom violations should be handled by the teacher with requiring them to report every little incident. Do you really need to know every time a student speaks out of turn. This micro-managing does not benefit students and increases the massive amount of paperwork we are already facing. | N |
| | | Staff development and training of all education personnel is important in assuring consistency. | |
| | | Section 7.1 requires the county/school to identify the person receiving the complaints. | |
| | | Policy revisions address this concern. | |
| | | WVEIS screens are being revised to make reporting much simpler. | |
| | | Section 7.1.2.a. supports this comment. | |
| | | All violations are to be addressed. | |
| | | The intent of the policy is for all violations to be addressed. In order to collect useful data, all violations must be reported. | |

| | | §126-99-9. Complaint Procedures (con't.) | | | |
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| 11/22/02 | Marikay Corfiss Teacher Paden City Elementary Paden City, WV 26159 | If we have to report all violations, we will probably look the other way, so we won't "see" them - Absurd! | N | No action requested. | |
| 11/22/02 | Amy Haden Sorrells LSIC Chair/Parent Holz Elementary Charleston, WV | 9.1 - In requiring that all violations of the Student Code of Conduct be reported, the provisions are overboarded creating undue requirements on already overburdened school employees who are attempting to meet numerous county, state and federal requirements and still provide a quality education. Several of the Level I and Level II violations involve relatively minor disruptive behaviors, such as "excessive talking," so that the reporting (Section 126-99-9.1) and investigation procedures (Section 126-99-10) should not be required. The appropriate intervention for such minor violations should be left to the discretion of individual teachers and school principals, and reporting and investigation of such violations should not be required. | N | The intent of the policy is to assure that all violations will be addressed. Section 7.1 provides flexibility for counties to reclassify violations. In order to collect meaningful data, all violations must be reported. | |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | It seems as if requiring that all violations of the Student Code of Conduct be reported will add a significant workload for the teachers. Most teachers already have a huge workload. I have to question the benefit of reporting violations at all levels. Again, it seems as if the reporting requirements should be different for kindergarten students and other early elementary students than for those in junior high and high school. Students at the elementary level are learning the proper behavior. The Holz Elementary kindergarten and first grade has an excellent discipline policy starting with warnings, exclusion, finally involving parent and the principle. This allows the teachers and principal, who best know the students, to evaluate the situation. Include a third party as needed, but not for each action. It seems that these detailed requirements could almost deter teachers from reporting violations. | N | Efforts are under way to improve the WVEIS discipline reporting system in order to address reporting concerns. No action requested. | |
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| | | <p>§126-99-9. Complaint Procedures (con't.)</p> <p>We are already bombarded with paperwork. I want to teach! We can handle minor problems in our own classrooms without making a major production and creating further disruption.</p> | N | No action requested. |
| | | <p>§126-99-10. Investigation Procedures</p> <p>The investigation procedures is improved but I believe is still too restrictive. We need the ability to investigate without parent notification. Involving parents at a Level IV due process hearing would be appropriate.</p> | N | This comment does not request a change in the policy. |
| 11/10/02 | <p>Dr. Kim Jennings Teacher Phillippi Middle School Phillippi, WV 26416</p> | <p>Section 10.2 - After being an educator for 18 1/4 years and a concerned parent of "3" daughters, I am appalled to think that educated people are suggesting that we risk our children's lives with regard to drugs and weapons charges in order for the accused students' parents to be available for student questioning regarding the issue at hand. Any person with any intelligence regarding the crime should realize that in order to get to the bottom of any crime - it must be done promptly and accurately with eye witnesses being unaware of the interrogation of others involved. If we allow a delay in any investigation we are doing nothing more than placing our children at-risk and hindering the possibility for a successful resolution to the problem at hand. This policy enables the potentially guilty to have opportunity to collaborate with others involved in order to develop a unified story which could possibly alleviate guilt, from an absolutely guilty subject, and hence jeopardize the safety of the innocent children! "WAKE UP TO THE REAL WORLD! PROTECT THE INNOCENT FOR A CHANGE!"</p> | N | An earlier policy revision added the statement "provided such parental notification does not compromise overall school/student safety" to address this and other similar concerns. |
| 11/12/02 | <p>Glenn Righman Teacher Phillippi Middle School Phillippi, WV 26416</p> | <p>Please remove permission or parent consent to interview students to solve problems especially at level 4. This will tie the hands of school administrators trying to keep a school safe and conducive of a good learning environment.</p> | N | See comment above. |

| | §126-99-10. Investigation Procedures (con't.) | | | |
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| 11/12/02 | Thomas E. Long Superintendent Marion County Schools Fairmont, WV 26554 | I support the change made removing Level III. Leaving it in would not have been workable. Thank you for listening. | N | This comment does not request a change in the language of the policy. |
| 11/18/02 | Jane Roberts Principal Alban Elementary School St. Albans, WV 25177 | 10.6, 10.7 - It is unreasonable to expect a written report to be compiled or shared with parents for each violation. Only serious violations should warrant this amount of time. | A | The original intent of this section is to outline procedures for the investigation of reports or complaints from victims of code of conduct violations. Language was changed to require counties to develop procedures for reporting and recording these investigations. |
| 11/21/02 | Sandra S. Stroebel Parent Charleston, WV 25314 | I am concerned about the change in procedures for reporting Level I and Level II violations. It is my understanding that all violations have to be entered into the WVEIS. I think this will be an unnecessary activity. I think keeping the Level I and II violations on record at a school level is sufficient. I am concerned about the extra paper work that will be added to teachers. I would rather see them spending more time with innovation consequences for violations than spend more time recording them. Also the stigma involved with having a child's name entered into the system when the only problem is too much talking or tardiness is a problem. It does not seem to warrant recording it at a state level. Please keep the old system in place where only Level III and IV violations are reported in the WVEIS. | N | In order to collect useful data, all violations must be reported. Efforts are under way to improve the WVEIS discipline reporting system in order to address reporting concerns. |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | More paper work! More reports! More checklists! All in a work days' time? Does this not take time away from instructional and preparational time? How much more of a teacher's personal time is expected off the clock! How long has it been since in the regular classroom? | N | No action requested. |
| 11/22/02 | Margaret K. Sine Paden City Elementary Paden City, WV 26159 | 10.7 states that the result of the investigations be reported to the "complainant or his or her legal guardian." I believe it should say the "complainant and the individual against whom the complaint has been filed or his/her legal guardian." | N | The intent of the policy was not to include the perpetrator of the violation in this notification, other than in terms of the consequence (response) to violation. |

| | §126-99-10. Investigation Procedures (con't.) | | |
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| 11/22/02 | Alice Tenney Principal Belington Elementary Belington, WV | Parents do not help investigations, they keep their child from helping in many cases. If the child says nothing, he/she can't get in trouble unless I can make a great case. If no one talks, students can get by with no punishment. Remove bringing in parents until after the principal concludes the investigation. | Section 10.2 currently states that parental notification is required "provided such school/student safety." |
| 11/22/02 | Jack L. Reger Principal Phillippi Middle School Belington, WV 26250 | This is a hindrance to investigations. 97% of our students and their families are honest people. 3% of our students and parents refuse to cooperate or tell out and out lies to avoid discipline and legal issues. The more quickly we can investigate issues at all Levels, I-II-III-IV, the more likely we can get to the "TRUTH"! Require schools to notify parents their children were interviewed if necessary. | An earlier policy revision added the statement "provided such parental notification does not compromise overall school/student safety" to address this and other similar concerns. |
| 11/22/02 | Teacher Holz Elementary School Charleston, WV 25314 | Too much for Level I violations when those are often skills/habits being taught (disorderly conduct). | No action requested. |
| 11/22/02 | B. Hyatt Teacher Holz Elementary Charleston, WV 25314 | Unbelievable amount of paperwork. | Efforts are under way to improve the WVEIS discipline reporting system in order to address reporting concerns. |
| 11/22/02 | Teacher Holz Elementary Charleston, WV 25314 | 10.7/11.3 - Are you hiring extra personnel to do the necessary paperwork? This is a lot of extra work for the principal of each school. | See comment above. |
| 11/22/02 | Karen Simon Principal Holz Elementary Charleston, WV 25314 | 10.7 - Too much paperwork. 10.1 - Need to hire a separate person with no other job to do this full time. | See comment above. |
| 11/22/02 | 4 th Grade Teacher Holz Elementary Charleston, WV | 10.7 - Parents are notified on many violations in Level I and II, but is would be near impossible to expect the principal and/or teacher to keep up with the paperwork this policy would generate. | Earlier policy revisions addressed this. |
| 11/22/02 | Lee A. Horn Kindergarten Teacher Paden City, WV | Investigation should begin with parent and the accused student. Let's put the responsibility and punishment on the parent as well as the school instead of addendum. | No action requested. |

| | | §126-99-10. Investigation Procedures (con't.) | | | |
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| 11/22/02 | Elliott Kendle 4 th Grade Teacher Paden City, WV | Reporting all violations does not benefit students. Please refer to 126-99-9. | | N | In order to collect useful data, all violations must be reported. |
| 11/22/02 | Marikay Corfiss Teacher Paden City Elementary Paden City, WV 26159 | This is so involved that we will never get caught up. We have to interview 2+ people and then have parents there during the investigation and then report to the parents. Who thought up this? Do you realize how long this takes? | | N | Previous revisions to Section 10.2 inserted the language "provided such parental notification does not compromise overall school/student safety." |
| 11/22/02 | Jeff Kittle Dir. of Curt. & Instruction Barbour Co. Schools Philippi, WV 26416 | The inclusion of all parents of all witnesses and complainants and offenders will seriously hamper the ability of school administrators to solve problems and complete investigations in a timely manner. Please eliminate this requirement as outlined in Section 10.2. | | N | See comment above. |
| 11/22/02 | Amy Haden Sorrells LSIC Chair/Parent Holz Elementary Charleston, WV | My comments made in 9.1 apply to this section as well, insofar as it is burdensome to school employees to require investigation of many of the Level I and Level II violations. | | N | In order to assure consistent application of the Student Code of Conduct, all violations must be addressed and reported. |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | Requiring formal investigation for all complaints appears to add unneeded work load to both teachers and the principal. I'd like to see the board consider whether investigations of Level I violations are really value added. I wonder if the board has considered the sheer magnitude of Level I investigations for a kindergarten class. I strongly object that these investigations could take place without parental notification at Levels I and II. Parents should be notified in the event of a formal investigation, reporting, and punishment. How will confidentiality be maintained for these reports? Will there be a history and how long will this be kept? It seems as if we are building records for students, some at a very early level. This appears to violate the privacy of these students. | | N | See comment above. |
| | | | | N | Parental notification at Level I is discretionary, and recommended at Levels II and III. Policy 4373 addressed confidentiality in Section 10.8. |

| | | | | |
|----------|--|---|---|--|
| 11/22/02 | Emilio Garza, Jr. Asst. Principal Calhoun Co. Middle Calhoun County | <p>§126-99-10. Investigation Procedures (con't.)</p> <p>10.6 Change the provision to allow the county superintendent, or his/her county-level designee, to have approval authority for extensions of the period to complete investigations. Also, there should be no requirement to submit a report to the principal unless an investigation is completed by an external party.</p> <p>Justification for suggestion: In schools that have an assistant/vice principal and a dean of students, it will be these individuals who will take action on reports of violations of the student code of conduct. They work closely with the principal, and the principal should or will in most cases be informed of the incidents and actions. If an external party conducts an investigation, a report would be needed because, unlike action by an assistant/vice principal or dean, there could be little or no continuity.</p> <p>Unless an external party is appointed to conduct an investigation, there should be no requirement to prepare a report on the investigation. We have been doing this for about one third of a school year, and it is a time consuming task. It is almost overwhelmingly burdensome. This has caused delays in actions and other important tasks. However, there is no question that written notification (to the students' parents/guardians) of action taken is necessary. This notification should be required, and it should contain the following: a clear statement of the action that is being taken against the student; the reason for the action, i.e. the specific violation of the student code of conduct and a brief description of the infraction/incident; the date the infraction was committed; and a point of contact with a telephone number.</p> <p>10.7 The words, "or his/her designee," should be added immediately after the word, "principal," at the end of the sentence.</p> | N | <p>The amount of time for an investigation to be completed was revised to ten school days.</p> <p>The requirement for the report to be written has been removed.</p> |
| | | A | <p>The recommended language has been added to the policy.</p> | |

| | | | | |
|-----------------|---|--|-----------------|---|
| | <p>§126-99-10. Investigation Procedures (con't.)</p> <p>10.6 "ten school days" - better! 10.6 Parental notification is encouraged at Level III and discretionary at Levels I and II 10.2 The main problem comes with witnesses. What if you have 10 witnesses?</p> | <p>Pat Mason Asst. Superintendent Mineral County Schools Keyser, WV 26726</p> | <p>11/22/02</p> | <p>N</p> <p>No further changes were made in Sections 10.2 and 10.6.</p> |
| | <p>More paperwork! Investigations are an ongoing part of every day. Minor incidents do not need parental involvement for investigations.</p> | <p>Tammy Chambers Kindergarten Teacher Paden City Elementary Paden City, WV 26159</p> | <p>11/22/02</p> | <p>N</p> <p>No further changes were made in response to this comment.</p> |
| | <p>§126-99-11. County Board of Education Action and Reporting</p> | | | |
| <p>11/9/02</p> | <p>I do not see the merit of mandating that every single discipline issue be entered on WVEIS. The building administrator is inundated with paper work. This seems to be "busy work."</p> | <p>No name</p> | <p>11/9/02</p> | <p>N</p> <p>Efforts are under way to streamline the reporting of code of conduct violations using the WVEIS system to alleviate some of the burden of reporting violations.</p> |
| <p>11/18/02</p> | <p>11.3 - It is unreasonable to expect that the principal should enter all violations into WVEIS. Only those resulting in an out of school suspension should be entered.</p> | <p>Jane Roberts Principal Alban Elementary School St. Albans, WV 25177</p> | <p>11/18/02</p> | <p>N</p> <p>See comment above.</p> |
| <p>11/21/02</p> | <p>11.3 - Reporting "all" violations of infractions of code of conduct would be impossible with principals who have no vice principal, full-time counselor, or office clerk. Principals are being overwhelmed with clerical work, causing job frustration, early retirements and lack of qualified persons who want to serve as principal.</p> <p>Only behaviors resulting in loss of classroom time should be required to be entered in WVEIS. Would you report each tardiness, student playing with a toy, etc.?</p> <p>Students in primary grades are learning appropriate social behavior and should not have minor infractions on their record for the rest of their educational career. I think some parents and the public will question this.</p> | <p>James P. Brannon Principal Cross Lanes Elementary Cross Lanes, WV 25313</p> | <p>11/21/02</p> | <p>N</p> <p>See comment above.</p> <p>In order to collect useful data, all violations must be reported.</p> |

| | §126-99-11. County Board of Education Action and Reporting (con't.) | | |
|--|---|---|---|
| 11/22/02 Jean Crum Teacher Holz Elementary Charleston, WV 25314 | Why is it necessary to report <u>all</u> levels? Why not only levels 3 and 4? What losses to program or job duties will occur due to time spent inputting all extra info on WVEIS? | N | In order to collect useful data, all violations must be reported. |
| 11/22/02 Margaret K. Sine Paden City Elementary Paden City, WV 26159 | Section 129-99-7 states that Level III and IV violations go directly to an administrator. This section requires that ALL substantiated violations be entered into WVEIS, and I believe the principal/administrator is the only one who can submit such information. This creates additional confusion about who handles violations. | N | The intent of the policy is for the principal or designee to handle this. |
| 11/22/02 Paula Staley Principal Wayne Middle School Wayne, WV | Entering <u>all</u> reports of Level I, II, III, and IV esp. Level I would necessitate a clerk at a school assigned only for that task. A school of 525 has not enough hours in the day for the discipline paper work. I could agree with the entry of Level III and IV in WVEIS, but <u>all</u> is overwhelming for a sizeable school. | N | In order to collect useful data, all violations must be reported. The WVEIS discipline reporting system is being revised to make the reporting of all violations less burdensome. |
| 11/22/02 Joyce Embrey Principal Midland Trail Elementary Belle, WV 25015 | 11.3 - Reporting " <u>all</u> " violations of infractions of code of conduct would be impossible with principals who have no vice principal, full time counselor, or office clerk. Principals are being overwhelmed with clerical work, causing job frustration, early retirements and lack of qualified persons who want to serve as principal. Only behaviors resulting in loss of classroom time should be required to be entered in WVEIS. Would you report each tardiness, student playing with a toy, etc.? Students in primary grades are learning appropriate social behavior and should not have minor infractions on their record for the rest of their educational career. I think some parents and the public will question this. | N | See comment above. |

| | | §126-99-11. County Board of Education Action and Reporting (con't.) | | | |
|----------|---|---|---|--|--|
| 11/22/02 | Deborah Russell Principal Wayne Elementary Wayne, WV 25570 | It is impossible to report infractions at all levels. There is not time nor manpower available to input all violations at Levels I and II. The already burdened administration has already been inundated with more paperwork for attendance. Enough is enough! We cannot lead our schools, be instructional leaders and do all this paper work. How can we spend all this time reporting and investigating and do anything else. Leave the reporting at Levels III and IV. | N | In order to collect useful data, all violations must be reported. Efforts are under way to streamline the reporting of the WVEIS system to alleviate some of the burden of reporting violations. | |
| 11/22/02 | Katie Carey Wayne County Schools | 11.3 - ONLY violations of Levels III and IV should have to be reported in the code of conduct by the principal, superintendent or designee to the WVDE. | N | See comment above. | |
| 11/22/02 | No Name 3 | As a parent I would not want every incident when my child was talking in class reported, documented and entered into WVEIS. It will make my child and the school sound like they are much worse than they really are. <u>Let's get real!</u> | N | See comment above. | |
| 11/22/02 | Teacher Holz Elementary School Charleston, WV 25314 | Sounds like we are labeling children as targets. Where do these names go – if child transfers, does new school get reports? Do parents see reports. What about confidentiality? | N | Policy requires confidentiality. Procedures are being developed for students who transfer. | |
| 11/22/02 | B. Hyatt Teacher Holz Elementary Charleston, WV 25314 | Some problems can be solved at school level. | N | The policy includes this as an option. | |
| 11/22/02 | Teacher Holz Elementary Charleston, WV 25314 | We cannot spend our time (instructional time) doing this. | N | Policy revisions address this concern. | |
| 11/22/02 | Karen Simon Principal Holz Elementary Charleston, WV 25314 | 11.3 -Too much red tape work - no time to do this for all levels, 1-4! Principals have other more important responsibilities, such as instructional leadership. | N | See comment above. | |

| §126-99-11. County Board of Education Action and Reporting (con't.) | | | |
|---|--|---|--------------------|
| 11/22/02 | 4 th Grade Teacher Holz Elementary Charleston, WV 25314 | N | See comment above. |
| 11/22/02 | Lee A. Horn Kindergarten Teacher Paden City, WV | N | See comment above. |
| 11/22/02 | Marikay Corliss Paden City Elementary Paden City, WV 26159 | N | See comment above. |
| 11/22/02 | Amy Haden Sorrells LSIC Chair/Parent Holz Elementary Charleston, WV | N | See comment above. |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | N | See comment above. |
| 11/22/02 | Kelly Hill Parent Charleston, WV | N | See comment above. |

| | <p>§126-99-11. County Board of Education Action and Reporting (con't.)</p> | | |
|----------|--|---|--|
| 11/22/02 | <p>Kelly Hill Parent Charleston, WV</p> <p>The change that has asked to be made will cause sensitive, confidential information to be input into a database that could be accessible by anyone in the school system. This database will only keep record of the negatives of any given student. It will never house any positive feedback on the student. Where will this information go? What happened to the first amendment, where someone is innocent until proven guilty? Even though we are talking about children, they still have the rights of the constitution.</p> <p>This change portrays a big brother approach, where someone is always watching you. The principal is already expected to document and keep a file on all Level 1 and 2 offenses, which is a very confidential system. The only way that someone could access the information is through the principal and I would hope that the principal has the child's best interest in mind before the information would be released to just anyone.</p> <p>I greatly encourage this not to become the requirement.</p> | | |
| 11/22/02 | <p>Emilio Garza, Jr. Asst. Principal Calhoun Co. Middle Calhoun County</p> <p>11.3 Change the first part of the first sentence to read: "The principal, superintendent or designee shall promptly enter the required disciplinary data...."</p> <p>Justification for suggestion: All the administrators' duties and responsibilities, day-to-day activities, and the urgency of a multitude of situations may prevent the immediate entry of data into the WVEIS database. It is unreasonable to expect immediate entry of data. The information should be recorded within a reasonable time after the action is taken.</p> | A | <p>This language was inserted in Section 11.3.</p> |
| 11/22/02 | <p>Pat Mason Asst. Superintendent Mineral County Schools Keyser, WV 26726</p> <p>11.1 - Is 126-99-6 the correct reference for this section?</p> | A | <p>Revise 11.1 to read 126-99-7.</p> |
| 11/22/02 | <p>Tammy Chambers Kindergarten Teacher Paden City Elementary Paden City, WV 26159</p> <p>The WVEIS system will overload if all violations are submitted. This should be left as is.</p> | N | <p>The WVEIS discipline reporting system is being revised to make the reporting of all violations less burdensome.</p> |

| | | | | |
|----------|---|---|---|---|
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | §126-99-15. Assessment of Effectiveness Who will pay for additional training and staff development? With the loss of staff development on faculty senate days – when will training take place? | N | Discussion is under way to address this concern. |
| 11/22/02 | Margaret K. Sine Paden City Elementary Paden City, WV 26159 | I cannot imagine that members of the WVDE or the WV Board of Education have time to read reports that include every incident of disorderly conduct, inappropriate display of affection, inappropriate dress, failure to serve detention, writing on bathroom walls, or other level I and II violations! These are incidents that are dealt with individually, and often never recur after the initial intervention. | N | The intent is for WVDE to collect useful data on all violations. |
| 11/22/02 | Teacher Holz Elementary Charleston, WV 25314 | Even if we had the time to write down/report all violations - why would a school want to do that when 16.1 and 16.2 are the result? | N | No action requested. |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | In order to assess the effectiveness of this policy it seems that there should be an assessment of actions taken in response to a given violation to see if these actions have been effective. This is the real test of the policy effectiveness - that the violations stop. | N | This is the intent of the policy. |
| 11/22/02 | Tammy Chambers Kindergarten Teacher Paden City Elementary Paden City, WV 26159 | I do not believe the state department needs more paperwork either. This can be handled at the county and school levels. | N | No action requested. |
| 11/7/02 | William Niday Principal Parkersburg High School Parkersburg, WV 26101 | §126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School I think this is appropriate. | N | This comment does not request a change in the policy. |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | Are numerous level I infractions going to classify a school as a Persistently Dangerous School?? | N | Section 16.2 of the policy lists the four serious violations used to calculate the designation of persistently dangerous. |

| | §126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School (con't.) | | |
|----------|---|--|---|
| 11/22/02 | Jack L. Reger Principal Philippi Middle School Belington, WV 26250 | This is unrealistic for some schools. A school that has a small population can fail to meet standards based on one incident if enough students are involved. Refer back to 4.1.2. High standards are good. Don't handicap schools with contradictory special education laws that "ENABLE" students to misbehave. The process and procedures for disciplining some students is prohibitive towards timely and effective discipline. | N This is required by federal legislation. This definition is liberal when compared to that of surrounding states, and is based on serious violations that exceed 5% of the school's enrollment for two consecutive years. |
| 11/22/02 | Deborah Russell Principal Wayne Elementary Wayne, WV 25570 | If all report and the playing field is level this is O.K. However, those that are diligent in taking care of problems and reporting may be considered dangerous and those that are lax are not. This is problematic. | N This comment does not request a change in the language of the policy. |
| 11/22/02 | No Name 2 | This is set-up for becoming a "Catch 22." While larger, diverse school populations have more potential for an exceptionally poorly behaved student(s) within a year, reporting too many incidents requires such schools to be put on probation (when they are merely trying to keep the school safe), thereby losing much of its good student population. This would doom an unlucky school to failure/closure. | N See comment above. |
| 11/22/02 | No Name 3 | What if some schools are more diligent about reporting infractions than others? Won't those schools be targeted as dangerous schools even though the infractions are not that serious? | N The intent of the policy is to intervene before the school is identified as persistently dangerous as indicated in Sections 16.3 and 16.4. |
| 11/22/02 | B. Hyatt Teacher Holz Elementary Charleston, WV 25314 | This seems to label school. Some schools may comply - others may not. | N All schools are required to comply. The intent of the policy is to provide intervention <u>before</u> the school is identified as persistently dangerous. |
| 11/22/02 | Karen Simon Principal Holz Elementary Charleston, WV 25314 | 16.2 - This is too punitive. Provide assistance not punishment. Schools will be hesitant to report. Once a school becomes "choice" then enrollment declines, then funding declines, then staffing, and on and on until the school is decimated. | N The intent of the policy is to intervene before a school is identified as persistently dangerous. See Sections 16.3 and 16.4. |
| 11/22/02 | Elliott Kendle 4 th Grade Teacher Paden City, WV | What if there are no other schools of that level in the county? | N This question is being discussed and some guidelines are being developed to govern transfers. |

| | | | | |
|----------|---|---|---|---|
| | | §126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School (con't.) | | |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | This seems like a mess to implement and manage. How will you handle transfers of students that have a number of violations? Will that be part of their records? Can schools refuse the transfer? | N | See comment above. |
| 11/22/02 | Dave Walker Principal Brooke High School Wellsburg, WV 26070 | 16.5 - What if there is no alternate public school within the LEA? (example: one high school in the county)? | N | See comment above. |
| 11/22/02 | Emilio Garza, Jr. Asst. Principal Calhoun Co. Middle Calhoun County | 16.5 The next to the last word of the paragraph is spelled, "agency," and it should be spelled, "Agency." | A | The correction has been made in Section 16.5. |
| 11/22/02 | Tammy Chambers Kindergarten Teacher Paden City Elementary Paden City, WV 26159 | What if the other school is fifty miles away? Do we (county) supply transportation? What about time on buses for students? What if there are no other schools in the district? Will this improve enrollment? We are opening ourselves for a big mess. | N | See comments above. |
| | | §126-99-17. Prevention and Intervention Training | | |
| 11/22/02 | Jean Crum Teacher Holz Elementary Charleston, WV 25314 | When? Who pays? | N | WVDE is currently providing training in a number of prevention and intervention strategies. |
| 11/22/02 | Lynn Snowden Parent Holz Elementary Charleston, WV | I think that prevention training is very important. Many kids do not understand that their actions are inappropriate. This is real discipline. | N | No action requested. |
| | Page 32 | | | |

NOTE:

* A change was made - adding Section 6.3 as a result of a request made in a LOCEA (Legislative Oversight Commission meeting) on November 17, 2002.

West Virginia Department of Education
Legislative Rule
Title 126 Series 99
Student Code of Conduct

A Parents Objection:

The main concern that I have with the entire document is that it is grouping age levels from Pre-K all the way through 12th grade. Let's think about that, is a 4-year-old going to drive a motor vehicle illegally? I don't think so. Is a Kindergarten teacher going to document a Level 1 violation when a child looks on another child's paper to know the correct phonic letter?

In my son's first grade year, I was concerned about the "pod" seating. I addressed it and was informed that this type seating at this age encourages children who have less ability to be able to look off a child that understands. So my question, do first graders cheat or help each other learn the basic study skills?

126-99-2-1

States that the public school responds immediately and consistently to **each** incident. Who is going to monitor and enforce the consistency? Teachers are human and each has different personality traits, for example, behavior that is considered disruptive may be tolerated by one teacher and could aggravate another. This human nature instinct alone will cause inconsistencies in the practice.

126-99-3-1

I understand that this rule is stating how children should act, but honestly, how many are capable of meeting all of these requirements. Adults usually don't have the ability to act and treat others this way. I would like to address this for a moment, a child that has not been raised in a loving, caring, compassionate, respectful, fair, etc home environment, does not have the ability to walk in the school system and behave as a perfect child, so the responsibility falls on the teachers, counselors, aids, principals, and custodians to retrain this child showing them the correct ways to act and behave. This is not an overnight process, this alone could take one (1) month, which in turn could get a child documented in this database twenty (20) times, once per day.

126-99-5-3

Will the Kanawha County Board of Education develop and implement an education program for each grade level? Will this program keep Pre-K from being treated like a 12th grader?

126-99-11-3

Documenting of all Level 1 – 4 violations, are you serious? First of all, there is not enough hours in a day for the teachers, principals, and secretaries in the school system to be able to teach effectively, ensuring that each child receives the attention that they need. If this were the case, every student in the West Virginia School System would be making

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11-21-02

straight A's. Some students are left behind, causing the grades to drop, and some students just don't care.

The change that has asked to be made will cause sensitive, confidential information to be input into a database that could be accessible by anyone in the school system. This database will only keep record of the negatives of any given student. It will never house any positive feedback on the student. Where will this information go? What happened to the first amendment, where someone is innocent until proven guilty? Even though we are talking about children, they still have the rights of the constitution.

This change portrays a big brother approach, where someone is always watching you. The principal is already expected to document and keep a file on all Level 1 and 2 offenses, which is a very confidential system. The only way that someone could access the information is through the principal and I would hope that the principal has the child's best interest in mind before the information would be release to just anyone.

I greatly encourage this not to become the requirement.

Kelly Hill
Rt 2 Box 277E
Charleston, WV 25314
304-343-2210 (home)
304-357-6823 (work)
304-546-8947 (cell)

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: JOHN REYNOLDS

Title: FACULTY SENATE CHAIRMAN, LIBERTY HIGH SCHOOL

Street Address: P.O. BOX 265, GLEN DANIEL, WV 25844

tion

N

Rationale

These issues are addressed in Policy 4373, Sections 6.1 and 6.2, Vol. 3!

| Comments/Suggestions |
|---|
| 126-99-1. General. THE OLD CODE OF CONDUCT SAID IN ARTICLE I THAT STUDENTS SHALL: ATTEND SCHOOL FAITHFULLY, COMPLETE ASSIGNMENTS ON TIME, |
| 126-99-4. Application. AND WORK TO THEIR FULL POTENTIAL. THIS NEEDS TO BE PUT BACK INTO THE NEW CODE OF CONDUCT. THERE IS NOTHING |
| 126-99-5. Planning by County Boards of Education. IN THE NEW CODE THAT REQUIRES STUDENTS TO WORK, |
| 126-99-6. Attendance Policy. |

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: DAVE WALKER/BROOKE HIGH SCHOOL

Title: PRINCIPAL

Street Address: R.D. #3, BRUIN DRIVE, WELLSBURG, WV 26070

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |
| 126-99-6. Attendance Policy. |

Policy 4373: Student Code of Conduct
Page Two

126-99-7. Violations of the Student Code of Conduct.

PLEASE SEE ATTACHED PAGE.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

**126-99-16. Assessment Identification of and Classification as a Persistently
Dangerous School.**

PLEASE SEE ATTACHED PAGE.

BROOKE HIGH SCHOOL

BRUIN DRIVE
R.R. #3, BOX 610
WELLSBURG, WV 26070-9748

MANUEL MARKOS
ASSISTANT PRINCIPAL
CENTER I

DAVID WALKER
PRINCIPAL

JAMES T. SPERLAZZA
ASSISTANT PRINCIPAL
CENTER III

KENNETH HART
ASSISTANT PRINCIPAL
CENTER II

Phone: (304) 527-1410
Fax: (304) 527-3604

| Action | | Rationale |
|--------|--|--|
| N | 7.1.5. (g) How is this profanity towards a student different from the profanity towards a student defined as Level 1, Anti-Social Conduct – other than the fact that this is Level 3? | The intent of the policy is to address more serious violation involving profanity. |
| A | 7.1.5 (i) If a student injures an employee, isn't that battery – not an assault? More specifically, isn't a threat to injure an assault and actual injury a battery? Does injury (battery) belong here or in 7.1.7 (a) – Battery on a school employee which is Level 4? | Delete the reference to injury (battery) from this section. |
| N | 7.1.8 (e) is partially superceded by 8.4 because 7.1.8 (b) deals with the same issues as 8.4, but 8.4 carries a more substantial consequence (calendar year vs. school year). 7.1.8 (a) seems to "go with" 7.1.8 (e) more than 7.1.8 (b) does (although, depending on circumstances, some of the felonies could be in 8.4) | No change made |
| A | 8.4 Should not "assault" of a school employee be "battery" of a school employee? I addressed this because I had to refer to 8.4 in connection with 7.1.8. (e) | Add the recommended language. |
| N | 16.5 What if there is no alternate public school within the LEA? (example: one high school in the county)? | Choice would not be available in this case. |

David Walker 11/20/02

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7/22/02

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization:

Emilio Garza, Jr.
Calhoun County Middle/High School

Title: Assistant Principal

Street Address: HC 89, Box 118

Action

A

N

| Comments/Suggestions | |
|---|--|
| 126-99-1. General. No comments/suggestions. | |
| 126-99-4. Application. No comments/suggestions. | |
| 126-99-5. Planning by County Boards of Education. 5.2. An implementation date should be specified. We recommend August 15, 2002. This would allow the schools to finalize their plans, with staff involvement, for the future, and still be able to get through the current school year and summer school, using their current policies and procedures. In my opinion, doing this would result in less disruption or problems for the staff, students, and community. | |
| 126-99-6. Attendance Policy. The authorization to withhold and/or deny credits for excessive absences, and in particular unexcused absences, should be reinstated. Already, student absences seem to be on the rise. It is not enough to tell students or parents or to require students to attend school regularly. Even rewards do not seem to have much impact. A consequence such as credit withholding and/or denial is needed. | |
| Policy 4373: Student Code of Conduct | |

Rationale

Add in 5.1 that counties will implement the policy in 2002-03

This recommendation is in conflict with other state board policy

126-99-7. Violations of the Student Code of Conduct.

A { 7.1 In the fifth sentence, add "responses and/or" immediately after "County/school policies should identify"

Justification for suggestion: In my opinion, adding the term, responses, would provide more latitude or flexibility for the counties/schools as they take action on disciplinary matters.

Rationale

Add the ~~change~~ recommended language.

N 7.1g, Leaving School Without Permission, should be a Level II violation.

Justification for suggestion: If a student leaves the school, a classroom, or any assigned area, it could be planned and/or intentional. This warrants a higher classification for this violation.

County policy may reclassify level II and III violations as indicated in 7.1

N 7.1k, Tobacco, should be a Level II violation.

Justification for suggestion: Possession or use of tobacco by minors is against the law. Using tobacco on school premises is also prohibited by law. All this should require a higher level of classification for this violation.

County policy may address this issue.

126-99-8. Guidelines for Suspension and Expulsion.

A 8.5 Change the first part of the second sentence to read as follows: "Once a student is excluded from the classroom or bus, the student must be referred to the appropriate administrator who will consider all the circumstances and take appropriate action"

Justification for suggestion: As it currently reads, the policy requires that the principal take disciplinary action when a teacher or bus driver excludes a student. We are seeing that teachers expect the student to be punished. The policy should not dictate or suggest to anyone that the principal will automatically punish the student. While some would argue that an intervention could be disciplinary action, a great number of educators with whom I have worked have interpreted disciplinary action as a punitive measure. The policy should clearly state that action will be taken, but it should allow the administrator to determine an appropriate action, based on the circumstances of the incident and even the student's past behavior.

Also, teachers (and bus drivers) are not always consistent or unbiased in their student management, treatment of students, or handling of situations, and this can lead to student misbehavior and even confrontations or disrespect toward teachers/bus drivers. Additionally, teachers and bus drivers have allowed situations to turn into tests of will, and this has arbitrarily convinced them that the student has to be punished instead of seeking alternatives to help the student to change his/her behavior.

Add the recommended language

126-99-9. Complaint Procedures.

No comments/suggestions.

126-99-10. Investigation Procedures.

10.6 Change the provision to allow the county superintendent, or his/her county-level designee, to have approval authority for extensions of the period to complete investigations. Also, there should be no requirement to submit a report to the principal unless an investigation is completed by an external party.

Justification for suggestion:

In schools that have an assistant/vice principal and a dean of students, it will be these individuals who will take action on reports of violations of the student code of conduct. They work closely with the principal, and the principal should or will in most cases be informed of the incidents and actions. If an external party conducts an investigation, a report would be needed because, unlike action by an assistant/vice principal or dean, there could be little or no continuity.

Unless an external party is appointed to conduct an investigation, there should be no requirement to prepare a report on the investigation. We have been doing this for about one third of a school year, and it is a time consuming task. It is almost overwhelmingly burdensome. This has caused delays in actions and other important tasks. However, there is no question that written notification (to the students' parents/guardians) of action taken is necessary. This notification should be required, and it should contain the following: a clear statement of the action that is being taken against the student; the reason for the action, i.e. the specific violation of the student of conduct and a brief description of the infraction/incident; the date the infraction was committed; and a point of contact with a telephone number.

10.7 The words, "or his/her designee," should be added immediately after the word, "principal," at the end of the sentence.

126-99-11. County Board of Education Action and Reporting.

11.3 Change the first part of the first sentence to read: "The principal, superintendent or designee shall promptly enter the required disciplinary data . . ."

Justification for suggestion: All the administrators' duties and responsibilities, day-to-day activities, and the urgency of a multitude of situations may prevent the immediate entry of data into the WVEIS database. It is unreasonable to expect immediate entry of data. The information should be recorded within a reasonable time after the action is taken.

Action

N

A

A

Rationale

~~The amount of time for the investigation~~
The amount of time for an investigation was revised to be few school days.
The requirement for the ~~write~~ report to be written has been removed.

The recommended language has been added.

The recommended language has been added.

126-99-15. Assessment of Effectiveness.

No comments or suggestions.

Action

Rationale

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

16.5 The next to the last word of the paragraph is spelled, "Agency," and it should be spelled, "Agency."

A

This correction has been made.

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

No comments/suggestions.

RETURN COMMENTS BY: November 22, 2002 TO:

**Shirley McGraw
West Virginia Department of Education
Building 6, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

**MINERAL COUNTY SCHOOLS
ONE BAKER PLACE
KEYSER, WV 26726**



PHONE: 304-788-4200

FAX: 304-788-4204

TO: Shirley McGraw

FROM: Pat Mason **DATE:** _____

PAGES: 6 (INCLUDING THIS COVER) **FAX #:** 558-1613

RE: Comments on Policy 4373

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Policy 4373 -- Student Code of Conduct

persistently dangerous must, in a timely manner, notify parents of each student attending the school that the state has identified the school as persistently dangerous; offer students the opportunity to transfer to a safe public school within the LEA; and, for those students who accept the offer, complete the transfer.

16.7. A LEA that has one or more schools identified as persistently dangerous must also develop a corrective action plan and implement that plan in a timely manner.

§126-99-17. Prevention and Intervention Training.

17.1. The West Virginia Department of Education, RESAs, and LEAs shall provide training, technical assistance in research-based, effective models for violence prevention education (including the prevention of bullying, harassment, and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer ~~described in~~ mediation, responsible students program, and character education. Training, technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop interventions to assure school success for these students.

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Robert P. Mason

Policy 4373 -- Student Code of Conduct

Robert Mason (Pat)

Title: Assistant Superintendent
Street Address: Mineral County Schools
One Baker Place
Keyser, WV 26726

| Comments/Suggestions | |
|---|----|
| 126-99-1. General. | ok |
| 126-99-4. Application. | ok |
| 126-99-5. Planning by County Boards of Education. | ok |
| 126-99-6. Attendance Policy. | ok |
| Policy 4373: Student Code of Conduct | |
| Page Two | |
| 126-99-7. Violations of the Student Code of Conduct. | |
| f. should be re-titled as Physical Altercation / Fighting for clarity | |

Action

N

Rationale

This has been included in previous revisions.

136-99-7 - additional comments

| Action | | Rationale |
|--------|--|--|
| N | 7.1.1 K Notation should be made that this is a violation of state law, and that students <u>will</u> be turned in to local legal authorities. | County policy may address this. |
| N | 7.1.1 e - "Inappropriate Displays of Affection" This is ok as written, but a more severe form of these displays should be included at a higher level. For example, should actual intercourse happen at a school activity, e.g., school trip, the punishment should be more severe than 3 days OSS. | County Policy may address this. |
| N | 7.1.5 i "A student will not threaten..." include "verbally, written, or by electronic means" (We had an example of an internet threat against a teacher) | Policy 4373 addresses this in 7.1.1.j. |

Policy 4373 - Student Code of Conduct

Action

126-99-8

Shouldn't 8.4 be consistent with 7.1-7a and 16.1a, e.g., "assault"?

Revise 8.4 to replace the word "assault" with the word "battery."

A

126-99-9. Complaint Procedures.

ok

10.1 - and subject provisions of 10.8

126-99-10. Investigation Procedures.

10.6 "ten school days" - better!

10.6 Parental notification is encouraged at Level III and discretionary at Levels I and II

10.2 (The main problem comes with witnesses - what if you have 10 witnesses?)

No further change made in this section

126-99-11. County Board of Education Action and Reporting.

11.1 Is 126-99-6 the correct reference for this section?

Revise 11.1 to read 126-99-7

A

26-99-12
26-99-13
126-99-14
ok

126-99-15. Assessment of Effectiveness.

ok

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

ok

Policy 4373 -- Student Code of Conduct

| |
|---|
| Policy 4373: Student Code of Conduct |
| Page Three |
| 126-99-17. Prevention and Intervention Training. |
| <i>OK</i> |

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw

West Virginia Department of Education

Building 6, Room 722

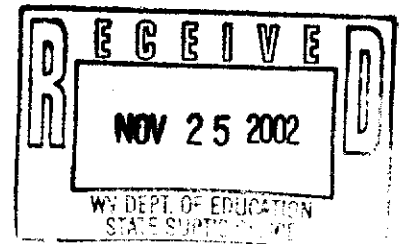
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Charleston, West Virginia 25305-0330

**West Virginia Department of Education
1900 Kanawha Boulevard East
Charleston, WV 25305**

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COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

J. McRow

Individual/Organization: *Tammy Chambers*

Title: *Kindergarten teacher*

Street Address: *510 N 2nd Ave, Paden City, WV 26159*

| Comments/Suggestions | |
|----------------------|---|
| | 126-99-1. General. ✓ |
| | 126-99-4. Application. ✓ |
| <i>Action</i> | 126-99-5. Planning by County Boards of Education. <i>Extended deadline will be needed for all the paperwork involved.</i> |
| <i>N</i> | 126-99-6. Attendance Policy. ✓ |

Deadline has been extended to May, 2003

Policy 4373: Student Code of Conduct

Action

Page Two

126-99-7. Violations of the Student Code of Conduct.

Give classroom teachers a little credit.

No revision requested

N

126-99-9. Complaint Procedures. We are already bombarded with paperwork. I want to teach! We can not handle minor problems in our own classrooms without making a major production and creating further disruption.

No revision requested

N

126-99-10. Investigation Procedures.

More paperwork! Investigations are an ongoing part of every day. Minor incidents do not need parental involvement for investigations.

~~Parental~~
No revision made

N

126-99-11. County Board of Education Action and Reporting.

The WVEIS system will overload if ALL violations are submitted. This should be left as is.

No revision made

N

126-99-15. Assessment of Effectiveness.

I do not believe the state department needs more paperwork either. This can be handled at the county and school levels

No revision made

N

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

What is the other school is fifty miles away? Do we (county) supply transportation? What about time on buses for students? What if there are no other schools in the district? Will this improve enrollment? We are opening ourselves for a big mess.

No
revision
made

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

POLICY 4373: Student Code of Conduct

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10-22-02

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: *Alicia Tenney*
Belington Elem. Sch.
Rt. 2, Box 344
Belington, WV 26250
Title: *Principal*
Street Address: *—*

| Comments/Suggestions |
|--|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures. Parents do not help investigations, they keep their child from helping in many cases. If the child says nothing, he/she can't get in trouble unless I can make a great case. If no one talks, students can get by with no punishment. Remove bringing in parents

126-99-11. County Board of Education Action and Reporting. until after the principal concludes the investigation.

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2-22-02

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Saula Staley

Title: Principal, Wayne Middle

Street Address: 200 Pioneer Road, Wayne, W.Va.

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct
Page Two

126-99-7. Violations of the Student Code of Conduct.

7.1.8 e - A county superintendent should not be permitted to completely dismiss the period of expulsion (no time expelled!).

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

Entering all reports of level I, II, III, and IV esp. level I would necessitate a clerk at a school assigned only for that task. A school of 525 has not enough hours in the day for the discipline paper work. I could agree with the entry of level III & IV in WVETS, but all is overwhelming for a sizeable school.

126CSR99

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

**Policy 4373: Student Code of Conduct
Page Three**

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

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POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

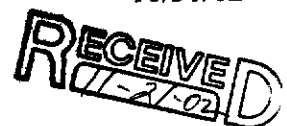
Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: *Jan Cusum*

Title: *Teacher, Holz Elementary*

Street Address: *1505 Hampton Rd. Chas WV 25314*

| Comments/Suggestions |
|--|
| 126-99-1. General. <i>I agree with the general purpose of this policy.</i> |
| 126-99-4. Application. <i>I agree with the application of this policy.</i> |
| 126-99-5. Planning by County Boards of Education. <i>Re 5.3 - More time spent focusing on something other than an academic area!</i> |



126-99-6. Attendance Policy.

No comment needed.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

c. Disorderly Conduct - some of these infractions occur frequently at the elementary level. (talking, making noises, etc) If the teacher has to stop instruction to comment each time an infraction occurs, instruction time will also suffer.

K. Who will monitor before & after school detention?

126-99-9. Complaint Procedures.

The paper trail continues to grow!

126-99-10. Investigation Procedures.

*More paper work! More reports!
More checklists! All in a work day's time? Does this not take time away from instructional and preparational time?
How much more of a teacher's personal time?*

126-99-11. County Board of Education Action and Reporting.

*Why is it necessary to reports all levels? Why not only levels 3 & 4?
What losses to program or job duties will occur due to time spent inputting all*

is expected off the clock! How long has it been since in the regular classroom?

126-99-15. Assessment of Effectiveness.

Who will pay for additional training & staff development? With the loss of staff dev. on faculty senate days - when will training take place?

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Are numerous Level 1 infractions going to classify a school as a Persistently Dangerous School??

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

When? Who pays?

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Margaret K. Sine
Paden City Elementary School

Title: Principal

Street Address: 510 N. Second Avenue
Paden City, WV 26159

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11-22-02

| Comments/Suggestions |
|--|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |
| 126-99-6. Attendance Policy. |

Policy 4373: Student Code of Conduct**Page Two****126-99-7. Violations of the Student Code of Conduct.**

It is good to see that "Physical Altercations" have been added to the list of violations, also that profanity toward *students* will not be tolerated.

This section specifies that violations in levels III and IV go directly to an administrator. I believe this is a sensible requirement.

126-99-9. Complaint Procedures.

If "appropriate personnel" includes classroom teachers (who should be addressing level I and II violations without assistance from an administrator), then I believe this is reasonable. If it means that level I and II violations must be reported to an administrator, I believe this will slow down a currently effective system in many schools.

If all level I and II violations must be reported to administration, it may give students the impression that the teachers have no authority to enforce the Code of Conduct on their own.

126-99-10. Investigation Procedures.

10.7 states that the result of the investigations be reported to the "complainant or his or her legal guardian." I believe it should say the "complainant and the individual against whom the complaint has been filed or his/her legal guardian."

126-99-11. County Board of Education Action and Reporting.

Section 129-99-7 states that level III and IV violations go directly to an administrator. This section requires that ALL substantiated violations be entered into WVEIS, and I believe the principal/administrator is the only one who can submit such information. This creates additional confusion about who handles violations.

126-99-15. Assessment of Effectiveness.

I cannot imagine that members of the WVDE or the WV Board of Education have time to read reports that include every incident of disorderly conduct, inappropriate display of affection, inappropriate dress, failure to serve detention, writing on bathroom walls, or other level I and II violations! These are incidents that are dealt with individually, and often never recur after the initial intervention.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw

West Virginia Department of Education

POLICY 4373: STUDENT CODE OF CONDUCT**COMMENTS/SUGGESTIONS**

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Joyce Embrey

Title: Principal, Midland Trail Elementary

Street Address: 200 Ferry Street, Belle, WV 25015

| Comments/Suggestions |
|--|
| <p>126-99-1. General. With the above mentioned procedures you are rendering the principal ineffective in being a school and curriculum leader. You are increasing the job stress, without taking anything away. No wonder you are facing a shortage of certified and qualified principal applicants. No one wants the job. I love being a principal, but you are creating an environment in which I cannot function effectively. I am a former National Distinguished Principal and am current WV Counselor's Association Administrator of the Year, with 26 years as a principal. I know a little bit about what I am writing.</p> |
| <p>126-99-4. Application.</p> |
| <p>126-99-5. Planning by County Boards of Education.</p> |
| <p>126-99-6. Attendance Policy.</p> |
| <p>Policy 4373: Student Code of Conduct</p> |
| <p>126-99-7. Violations of the Student Code of Conduct.</p> |

126-99-9. Complaint Procedures.

9.1 - Teachers are professionals and can handle infractions. Research has indicated that those teachers who handle discipline problems have better control compared to teachers who constantly refers students to the office. The only "appropriate personnel" at the elementary school would be the principal. If he/she takes care of all discipline procedures then he/she will have little time for anything else.

126-99-10. Investigation Procedures.**126-99-11. County Board of Education Action and Reporting.**

11.3 - Reporting "all" violations of infractions of code of conduct would be impossible with principals who have no vice principal, full time counselor, or office clerk. Principals are being overwhelmed with clerical work, causing job frustration, early retirements and lack of qualified persons who what to serve as principal.

Only behaviors resulting in loss of classroom time should be required to be entered in WWEIS. Would you report each tardiness, student playing with a toy, etc.?

Students in primary grades are learning appropriate social behavior and should not have minor infractions on their record for the rest of their educational career. I think some parents and the public will question this.

126-99-15. Assessment of Effectiveness**126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.****Policy 4373: Student Code of Conduct
Page Three****126-99-17. Prevention and Intervention Training.**

RETURN COMMENTS BY: November 22, 2002 TO:

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POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: HARDY COUNTY BOARD OF EDUCATION

Title: _____

Street Address: 510 ASHBY STREET MOOREFIELD WV 26836

| Comments/Suggestions |
|---|
| 126-99-1. General. THE HARDY COUNTY BOARD OF EDUCATION MEMBERS HAVE REVIEWED THIS POLICY AND UNANIMOUSLY SUPPORT THE RECOMMENDATIONS. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

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11-22-02

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Jack L. Roger
304 High St.
Belington, WV 26250
Title: Principal
Street Address:

| Comments/Suggestions |
|---|
| <p>126-99-1. General. Good intent</p> |
| <p>126-99-4. Application. 4.1.2 → Why develop rules/policies that do not apply to all students equally? Will schools be identified as persistently dangerous due to violations of committed by sp. ed. students, that schools have Treat all students equally. Don't excuse or make excuses for students who, as adults, must comply w/in society</p> |
| <p>126-99-5. Planning by County Boards of Education.</p> |
| <p>126-99-6. Attendance Policy. 6.1+2 → This should be deleted. Although important is and essential, an attendance policy already exist.</p> |

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

This is a hindrance to investigations, 90% of our students and their families are honest people, 30% of our students and parents refuse to cooperate or tell out and out lies to avoid discipline and legal issues. The more quickly we can investigate issues at all levels, I - II - III - IV, the more likely we can get to the "TRUTH"! Require schools to notify parents their children were interviewed if necessary.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

This is unrealistic for some schools. A school that has a small student population can fail to meet standards based on one incident, if enough students are involved. Refer back

to 4.1.2. High standards are good. Don't handicap schools with contradictory sp. ed. laws that "ENABLE" students to misbehave. The process and procedures for disciplining some students is prohibitive towards timely and effective discipline.

| |
|--|
| <p>Policy 4373: Student Code of Conduct</p> <p>Page Three</p> <p>126-99-17. Prevention and Intervention Training.</p> |
|--|

RETURN COMMENTS BY: November 22, 2002 TO:

Fax 558-1613

Shirley McGraw

West Virginia Department of Education

Building 6, Room 722

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

West Virginia Department of Education
1900 Kanawha Boulevard East
Charleston, WV 25305

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Philippi Middle School
RR03 Box 40
Philippi, WV 26416
Phone: 304-457-2999
Fax: 304-457-2561

Philippi Middle School

Fax

To: *Shirley McGraw*

From: *J. L. Reger*

Fax: *304.558.1613*

Pages: *4*

Phone:

Date: *11/21/02*

Re: *Policy 4373*

CC:

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Jefferson Elementary Center
1103 Plum Street
Parkersburg, West Virginia 26101
Telephone: (304) 420-9554
FAX (304) 420-9507

Principal: Edward J. Alfred
Assistant Principal: Kay M. Bowling
Secretary: Emma J. Kellison

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1/22/02

Policy 4373: Code of Conduct

1. There needs to be a separate code for students and teachers. The code for teachers does not need to be displayed in the classrooms along with the students.
2. The statements are too ambiguous. The old code was more specific. Both the old code and the new code need to be combined. The statements need to be categorically listed under the 5 original codes.
3. The levels are overlapped. The need to report to the State should be limited to Level 4. Any other report can be place on WVEIS.

Sincerely,


Ed Alfred

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Deborah Russell

Title: Principal, Wayne Elementary

Street Address: PO Box 371 Wayne, WV 25570

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

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11/22/02

| |
|--|
| <p>126-99-6. Attendance Policy.</p> |
| <p>Policy 4373: Student Code of Conduct Page Two</p> |
| <p>126-99-7. Violations of the Student Code of Conduct. The levels are not correct. Since when is gang activity less threatening than writing in a textbook?</p> |
| <p>126-99-9. Complaint Procedures.</p> |
| <p>126-99-10. Investigation Procedures.</p> |
| <p>126-99-11. County Board of Education Action and Reporting. It is impossible to report infractions at all levels. There is not time nor manpower available to input all violations at levels I and II. The already burdened administration has already been inundated with more paperwork for attendance.</p> |

Enough is enough! We cannot lead our schools, be instructional leaders and do all this paperwork. How can we spend all this time reporting and investigating and do anything else. Leave the reporting at levels III and IV.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

If all report and the playing field is level this is ok. However, those that are diligent in taking care of problems and reporting may be considered dangerous and those that are lax are not. This is problematic.

**Policy 4373: Student Code of Conduct
Page Three**

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

**Shirley McGraw
West Virginia Department of Education
Building 6, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

Shirley McGraw

From: Terry Sauvageot [tsauvage@access.k12.wv.us]
Sent: Friday, November 22, 2002 9:59 AM
To: smcgraw@access.k12.wv.us
Subject: Policy 4373 Student Code of Conduct

Comments from Ruthlawn Elementary School's Faculty Senate, LSIC, & Principal, Terry Sauvageot
Rt. 8, Box 428
South Charleston, WV 25309

These following comments were moved and voted upon by the Faculty Senate and LSIC:

126-99-7

7.1.1 Violations and School Responses to Level I Violations

Teachers need to have the authority to take care of problems such as talking, making noises, throwing objects or other distractions in their own classrooms without the administrators intervention. Sometimes cheating, anti-social conduct, inappropriate dress, and inappropriate displays of affection are issues that are also taken care of by the teacher in an elementary school. Please include an option for a teacher/student conference or reprimand.

7.1.3 Level II Violations. Again, several of the Level II violations are those that are handled in the classroom in the elementary setting. The more severe offenses are written up on a county discipline slip and handled by the principal. Please include an option for a teacher/parent/student conference or reprimand.

7.1.5 Level III Violations. Several of the Level III violations (disobeying the teacher in a willful manner, inappropriate language, and habitual violations of school rules or policies) are handled by the teacher, student and parent with conferences, lunch detention, or after school detention. Responses should include these options.

126-99-11-11.3 County Board of Education Action and Reporting
Reporting all Level I-IV violations would be a paperwork nightmare. Every time a student talks too much, makes a noise, says a bad word, repeatedly forgets their homework (habitually breaking school rules), doesn't obey the teacher the first time told, etc., the principal would have to enter this on WVEIS. Nearly every student, at one time or another, displays some sort of unacceptable behavior at school. In most cases, the student learns from his/her mistake and never has a more serious violation. Emphasis should be placed on students who consistently refuse to modify their behaviors. More time could be spent by the administrator helping to correct more serious violators. With this policy, the principal will be inputting data on WVEIS or contacting parents almost their entire day. Those students who receive a formal discipline slip should be and have always been reported to the WVDE. Please do not include this cumbersome stipulation in the policy. The parent members of our LSIC were appalled to think that almost every student would have a disciplinary "record" on file with the state for some violations of the Code of Conduct.

RECEIVED
11-22-02

Shirley McGraw

From: kcarey@access.k12.wv.us
Sent: Thursday, November 21, 2002 2:59 PM
To: smcgraw@access.k12.wv.us
Subject: Comment/Code of Conduct

Section 126-99-11.3

ONLY violations of levels III and IV should have to be reported in the code of conduct by the principal, superintendent or designee to the WVDE.

Katie Carey
Wayne County Schools

RECEIVED
11-21-02

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization:

Title:

Street Address:

| Comments/Suggestions | |
|--|--|
| <p>126-99-1. General. While Proposed Policy 4373 is what everyone associated with WV public schools wants to have ideally, an urgent need to rework its language exists. It addresses primary middle & high school level violations in a punitive manner. Age appropriate consequences geared for Pre-Kindergarten, Primary, & Intermediate development of right & wrong must be built-in! Otherwise the climate of WV schools may become one of a morality enforcing police state. Objectivity demands considering all aspects affecting child behavior including counselor's intervention & opinion whenever necessary.</p> | |
| <p>126-99-4. Application. Concerned that one faculty/staff person might interpret a Level 1. Violation as a Level 3. Violation. Subjective interpretations may consciously or sub-consciously arise from a personality conflict. Too many exaggerated violations might mar an otherwise "active" students records for life with a stigmatizing label. Some students' parents might not be vocal as a pro-advocate of their student's rights as must be done in serious cases requiring a board hearing.</p> | |
| <p>126-99-5. Planning by County Boards of Education.</p> | |
| <p>126-99-6. Attendance Policy.</p> | |

Sorry, wrong spot.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct. *Concern that different faculty/staff persons may perceive/interpret a Level 1. Violation as a Level 3. Violation. Personality conflicts might either subconsciously or consciously effect a decision. Too many exaggerated violations could mark an otherwise "active" student's records with a stigmatizing label. Some students' parents may not be vocal as a pro-advocate of their students rights -- especially in cases requiring a board hearing.*

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School. *This is set-up for becoming a "Catch 22": While larger, diverse school populations have more potential for an exceptional poorly behaved student, within a year, reporting too many incidents requires such schools to be put on probation (when they are merely trying to keep the school safe), thereby losing much of its good student population. This could doom an unlucky school to failure/closure.*

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

RECEIVED
11/21/02

Shirley McGraw
West Virginia Department of Education
Building 6, Room 722
1900 Kanawha Boulevard, East

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization:

Title:

Street Address:

| Comments/Suggestions |
|---|
| 126-99-1. General. <i>I think there is way too much paperwork and formal reporting of every instance of children talking and not staying on task.</i> |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

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10/31/02

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

I think common sense and personal judgement should guide teachers on how they will handle discipline. It's good to have some guidelines but I don't think the reporting should be mandatory.

126-99-9. Complaint Procedures.

If every infraction is to be documented and reported there will be little time left for teaching. Are we teachers or statisticians?

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

As a parent I would not want every incident when my child was talking in class reported, documented and entered into WV EDS. It will make my child and the school sound like they're mud wise, that they really are. Let's get real!

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

What if some schools are more diligent about reporting infractions than others? Won't those schools be targeted as dangerous schools even though the infractions are not that serious?

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Teacher Holz Elem. School

Title: K Teacher

Street Address: 1505 Hampton Rd., Charleston, WV 25314

| Comments/Suggestions | |
|---|---|
| 126-99-1. General. | Already in place { Sexual Harassment Bullying Policy Maps " Character Education Multi-cultural ed. Safe School |
| 126-99-4. Application. | |
| 126-99-5. Planning by County Boards of Education. | |

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11-21-02

10/31/02

126-99-6. Attendance Policy.

- samples of disorderly conduct - in elementary schools our approaches to learning behavior or report card address many of these areas + behaviors are dealt with

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

How do you intend to monitor.
not all time. will report violations or those with abuse power - can't violations be handled at school level by principal (teacher, parents) committee? - so much paper work, meetings, etc. to protect self; what is purpose of sending all this to State Dept.

126-99-10. Investigation Procedures.

too much for level I violations when these are often skills / habits being taught (Disorderly Conduct)

126-99-11. County Board of Education Action and Reporting.

Sounds like we are labeling children as targets. where do these names go - if child transfers, does new school get names? Do parents see reports. what about confidentiality?

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Holz Elem. B. Nyatt

Title: Teacher

Street Address: 1505 Hampton Rd., Charleston, WV 25314

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

RECEIVED
10/27/02

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

Who takes complaint in schools?
How'd the complaint come
back on school?

126-99-10. Investigation Procedures.

Unbelievable amount of paper
work.

126-99-11. County Board of Education Action and Reporting.

~~Some~~ Some problems can be
solved at school level

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

This seems to label school.
Some schools may comply - others
may not

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Kanawha County Elementary Teacher
Holz Elem.

Title: teacher

Street Address: 1505 Hampton Rd., Charleston, WV
25314

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

RECEIVED
10-31-02

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

Too much paperwork. When do we
TEACH? Are we going to hire extra people
to do this?

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

We cannot spend our time (instructional
time) doing this.

126-99-15. Assessment of Effectiveness.

Even if we had the time to write down/
report all violations - why would a school
want to do that when 16.1 + 16.2 are the result?

**126-99-16. Assessment Identification of and Classification as a Persistently
Dangerous School.**

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Kanawha County Schools
Hole Elem.

Title: Teacher

Street Address: 1505 Hampton Rd. Charleston,
WV 25314

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

RECEIVED
11-21-02

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

Schools are learning environments.
We cannot report children, nor should we, for every infraction. Use severe common sense and report abuse, bullying, narcotics, weapons, defacing school property etc. My day is too busy to report every

126-99-9. Complaint Procedures.

detail on a form.
It would be good to have all information centralized but wouldn't reporting this on WVEIS take a lot of man hours?

126-99-10. Investigation Procedures.

10.7
11.3 Are you hiring extra personnel to do the necessary paperwork?
This is a lot of extra work for the Principal of each school.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: *Karen Simon
Holt Elem.*

Title: *principal*

Street Address: *1505 Hampton Rd. Charleston, WV
25314*

| Comments/Suggestions |
|--|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

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11-2-02

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

10.7 Too much paper work.
10.1 Need ^{to hire} a separate person with no other job to do this full time.

126-99-11. County Board of Education Action and Reporting.

11.3 Too much ^{red tape} work - no time to do this for all levels, 1-4!
Principals have other more

important responsibilities, such as instructional leadership!

126-99-15. Assessment of Effectiveness.**126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.** 16.2

*This is too punitive.
Provide assistance,
not punishment. Schools
will be hesitant to report.
Once a school becomes "choice"*

*then enrollment declines, then
funding declines, then staffing,
and on and on, until the school
is decimated.*

Policy 4373: Student Code of Conduct**Page Three****126-99-17. Prevention and Intervention Training.**

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization:

Holz Elem.

Title: *4th Grade Teacher*

Street Address: *Holz Elem.
1505 Hampton Rd.*

| Comments/Suggestions |
|--|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

RECEIVED
11-21-02

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

Level I & II should be handled by the appropriate teacher unless the behavior is excessive.

So much paper work for ^{some} level I incidences. Some level I ^{with} violations may need to be reported, but

126-99-10. Investigation Procedures.

10.7 - Parents are notified on many violations in Level I and II, but it would be near impossible to expect the principal and/or teacher to keep up with the paper work this policy would generate.
 ~~should be principal or teacher discretion.~~

126-99-11. County Board of Education Action and Reporting.

11.3 - I don't see why one would need to report level I & II actions on WVEIS, ^{or} talking during lessons and normal misbehavior. ^{in no way} warrants a report to be filed on that student.

http://wvde.state.wv.us/policies/p4373_co.html

We keep records of this in our classroom and ^{10/31/02} start interventions as needed. Only level III & IV should have to be reported.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.**126-99-9. Complaint Procedures.**

The report of all violations to ~~school~~ administrators would monopolize all time for teaching. Only most serious warrant reporting. You take the hands of employees by basing it on employee conduct. Teachers know what warrants reporting due to seriousness.

126-99-10. Investigation Procedures.

Investigation should begin with parent and the accused student. Let's put the responsibility and punishment on the parent as well as the school instead of addendum.

126-99-11. County Board of Education Action and Reporting.

Repeat offenses of Level III and IV should be reported on WVEIS. It may never happen again after first time and their WVEIS record haunts them for rest of school career.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

If student wishes to transfer because of present school designated as Persistently Dangerous, then bigger steps should be taken to remove administrator and preserve school. If student transfers out, what about those left behind? Aren't they worthy of safety? What if there isn't another school to go to?

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw

West Virginia Department of Education

RECEIVED
12-22-99

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Elliott Kendle

Title: 4th Grade Teacher

Street Address: 510 N 2nd Ave. Paden City, WV 26159

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

126-99-6. Attendance Policy.

Attendance is not included in the student code of conduct and should not be included here. This just creates unneeded work and regulations since it is covered in other policies.

**Policy 4373: Student Code of Conduct
Page Two**

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures. *All violations should not have to be reported. Minor classroom violations should ~~not~~ be handled by the teacher ~~and~~ without requiring them to report every little incident. Do you really need to know everytime a student speaks out of turn. This micro-managing does not benefit students and increases the massive amount of paperwork we are already facing.*

126-99-10. Investigation Procedures.

Reporting all violations does not benefit students. Please refer to 126-99-9

126-99-11. County Board of Education Action and Reporting.

126CSR99

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

What if there are no other schools of that level in the county?

Policy 4373: Student Code of Conduct
Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw
West Virginia Department of Education
Building 6, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

POLICY 4373: Student Code of Conduct**RECEIVED**
11-22-02**COMMENTS/SUGGESTIONS**

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: JEFF KITTLE
BARBOUR CO. SCHOOLS

Title: DIRECTOR OF CURRICULUM + INSTRUCTION

Street Address: 105 S. RAILROAD
PHILIPPI, WV 26416

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures. *THE inclusion of All Parents of all witnesses and complainants and offenders will seriously hamper the ability of School administrators to solve problems and complete investigations in a timely manner. Please eliminate this requirement as outlined in Section 10.2*

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw

West Virginia Department of Education

Building 6, Room 722

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

West Virginia Department of Education

1900 Kanawha Boulevard East

Charleston, WV 25305

(Phone List by Topics) (Staff Phone and Email by Name) (School Directory)

For suggestions, questions, problems contact the webmaster
Please read our disclaimers

Marikay Corliss

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Paden City Elementary



Title: Teacher 510 N. Second

Street Address: Paden City, WV, 26159

| Comments/Suggestions |
|---|
| <p>126-99-1. General.</p> <p>... ..</p> |
| <p>126-99-4. Application.</p> <p>... ..</p> |
| <p>126-99-5. Planning by County Boards of Education.</p> <p>... ..</p> |
| <p>126-99-6. Attendance Policy.</p> |

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

If we have to report all violations, we will probably look the other way, so we won't "see" them - Absurd!

126-99-10. Investigation Procedures.

This is so involved that we will never get caught up. We have to interview 2+ people and then have parents there during the investigation & then reported to the parents. Who thought up this? Do you realize how long this takes?

126-99-11. County Board of Education Action and Reporting.

Requiring all violations to be reported in WVEIS is silly and quite frankly a waste of time. Yelling in the hall may be Level I, but why report it to WVEIS?

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw

West Virginia Department of Education

November 20, 2002

Ms. Shirley McGraw
West Virginia Department of Education
Building 6, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

Dear Ms. McGraw,

Enclosed please find individual comments of parents and community members of the Holz Elementary school district in Charleston, West Virginia, Kanawha Co. regarding the proposed legislative rules, Student Code of Conduct.

Thank you for your attention to this matter.

Very truly yours,



Amy Haden Sorrells
LSIC Chair
Holz Elementary

RECEIVED
11/22/02

Comments on proposed legislative rule, Student Code of Conduct, prepared by Amy Haden Sorrells, LSIC Chair and parent, Holz Elementary, Kanawha County, West Virginia.

Section 126-99-7—Violations of the Student Code of Conduct

7.1 Amend to provide that each county and/or school shall identify the individuals who will receive complaints of Level III or IV(or some Level II violations identified below) only. The reporting and investigation requirements of Sections 126-99-9.9.1 and 126-99-10 should apply only to the more serious Level III or IV conduct violations, on ground that the formal reporting and other procedures are unduly burdensome to school systems and personnel and will create unnecessary bureaucratic procedures in discipline matters that are not inherently unsafe nor which rise to the level of disruption to a “nurturing, orderly, safe” school environment to merit formal requirements on a state-wide basis. The addressing of many of the Level I and II violations should be left to the local control of individual schools and county systems.

Section 126-99-9 Complaint Procedures

9.1—In requiring that all violations of the Student Code of Conduct be reported, the provisions are overboard, creating undue requirements on already overburdened school employees who are attempting to meet numerous county, state and federal requirements and still provide a quality education. Several of the Level I and Level II violations involve relatively minor disruptive behaviors, such as “excessive talking,” so that the reporting [Section 126-99-9.9.1] and investigation procedures [Section 126-99-10] should not be required. The appropriate intervention for such minor violations should be left to the discretion of individual teachers and school principals, and reporting and investigation of such violations should not be required.

Section 126-99-10. Investigation procedures

Comments made above apply to this section as well, insofar as it is burdensome to school employees to require investigation of many of the Level I and Level II violations.

Section 126-99-11 County Board of Education Action and Reporting.

Comments made above apply to this section as well. It is unduly burdensome to require a written report for all levels of violations, including many of the lesser infractions listed as Level I and Level II violations.

General Comments

The reporting and other requirements for all levels of violations is unduly burdensome. In addition, the legislative rule scheme promotes state-wide management of discipline matters, especially with regard to minor infractions, that are best left to the discretion of local school administrators and teachers, not the State Board of Education.

To the extent that there are more serious violations under the category of Level II

violations, such as for bullying/harassment/ intimidation [Section 126-99-7.1.3], it would appear that these should be governed by county policy, where such policy exists. For example, in Kanawha Co. there is a bullying policy which is being effectively promulgated and which addresses this section.

To the extent that there are more serious violations enumerated under Level II, such as bullying/harassment/intimidation, gang activity, or theft conduct violations, perhaps these should be reclassified as Level III violations for which reporting should be required. But, to burden already burdened school personnel with report and investigation requirements for many of the minor violations listed under Level I and Level II is not an effective use of limited school personnel resources. The resolution of more minor conduct violations listed under this proposed rule should be governed by county policies and left to the discretion of local school administrators.

In addition, to the extent that any extensive reporting is required under this rule, I would recommend that budgeting for additional staffing be considered. School personnel have numerous reporting requirements to county, state and federal offices in the today's world of education. In each instance where additional requirements are added to the staffs at schools, I think that overall staffing needs should be addressed and personnel hired to meet the requirements so that our teachers and principals can do their jobs effectively and not be unduly burdened by red tape.

Finally, the legislative rule scheme appears to penalize schools for accurately reporting conduct violations by classifying such schools as "persistently dangerous schools." It would appear that redress for students affected by an unsafe school environment could be addressed in a different manner, in a way that does not create a disincentive for the individual schools to accurately report information to the State Board of Education.

Ms. Sorrells,

As per your request, this letter is in response to the proposed legislative Rule 126, Series 99 that will enact changes to the way local schools report their Level I & II offences. Currently, the schools must report Level III & IV violations to the WV Department of Education (see 126-99-11.3), but under the proposed rule Level I & II offences must also be reported. Although Level I & II violations are serious enough to be investigated at the local level, the reporting of those incidents should not rise to the importance of the WVDE level.

This extreme form of micromanaging at the State level will affect the schools in two ways. First, those minor offences that are reported will be attached to the student as part of their permanent record (at the State Level) and will follow them as a label possibly for their entire school career (at least through the 12th Grade). This unfortunate label will hamper and unduly burden the student and could effect their academic performance. Secondly, this proposed ruling will also unduly burden the local schools with too much bureaucratic weight, which will pull them away from their first priority, which is teaching the students.

This letter is not in opposition to the types of violations/offence listed in the legislative ruling, but rather the need to report all violations and infractions to the WV Department of Education. Such over-reporting is definitely not conducive to a sound educational process and common sense.

Sam Peal

Parent, Holz Elementary

346-4805

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 99
STUDENT CODE OF CONDUCT (4373)**

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Lynn Snowden / Holz Elementary School LSIC - parent member / The Dow Chemical Company

Title: Project Manager for The Dow Chemical Company

Street Address: 1405 Mt. Vernon Rd Charleston, WV 25314

Comments/Suggestions

126-99-1. General.

I commend the WV Board of Education for addressing the student conduct within West Virginia schools. The recent events national suggest that work is highly needed.

126-99-4. Application.

This section does not spell out whether this policy applies to all grades equally. It seems as if reporting requirements should be different for Preschool and Kindergarten than for Junior High and High School students.

126-99-5. Planning by County Boards of Education.

It seems unreasonable to expect that the County Boards of Education can implement this new policies by May 1, 2003. County Boards that have existing policies should be given some latitude for this timeline.

126-99-6. Attendance Policy.

No comment.

**Policy 4373: Student Code of Conduct
Page Two**

126-99-7. Violations of the Student Code of Conduct.

No comment

126-99-9. Complaint Procedures.

It seems as if requiring that all violations of the Student Code of Conduct be reported will add a significant workload for the teachers. Most teachers already have a huge workload, I have to question the benefit of reporting violations at all levels.

Again it seems as if the reporting requirements should be different for Kindergarten students and other early Elementary students than for those in Junior High and High School. Students at the Elementary level are learning the proper behavior. The Holz Elementary Kindergarten and First Grade has an excellent discipline policy starting with warnings, exclusion, finally involving parents and the principle. This allows the teachers and principal, who best know the students, to evaluate the situation. Include a third parties as needed, but not for each action.

It seems that these detailed requirements could almost deter teachers from reporting violations.

126-99-10. Investigation Procedures.

Requiring formal investigation for all complaints appears to add unneeded work load to both teachers and the principal. I'd like to see the board consider whether investigations of Level I violations are really value added. I wonder if the board has considered the sheer magnitude of Level I investigations for a kindergarten class.

I strongly object that these investigations could take place without parental notification at Levels I and II. Parents should be notified in the event of a formal investigation, reporting, and punishment.

How will confidentiality be maintained for these reports? Will there be a history and how long will this be kept? It seems as if we are building records for students, some at a very early level. This appears to violate the privacy of these students.

126-99-11. County Board of Education Action and Reporting.

I think that it is great that the State Board of Education is establishing reporting requirements for violations of the Code of Conduct policy. But reporting at all violation levels does not make sense. Track the Level III and Level IV violations in WVEIS, but allow the local schools the keep their own internal records. This allows the schools to control access to these records. This will also allow the schools to maintain the privacy of the students.

126-99-15. Assessment of Effectiveness.

In order to assess the effectiveness this policy it seems that there should be an assessment of actions taken in response to a given violation to see if these actions have been effective. This is the real test of the policy effectiveness - that the violations stop.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

This seems like a mess to implement and manage. How will you handle transfers of students that have a number of violations? Will that be part of their records? Can schools refuse the transfer?

I do like the fact that schools will be given targeted technical assistance based on signification violations. It may need to be started earlier.

Policy 4373: Student Code of Conduct
Page Three

126-99-17. Prevention and Intervention Training.

I think that prevention training is very important. Many kids do not understand that their action are inappropriate. This is real discipline.

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw
West Virginia Department of Education
Building 6, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

West Virginia Department of Education
Legislative Rule
Title 126 Series 99
Student Code of Conduct

A Parents Objection:

The main concern that I have with the entire document is that it is grouping age levels from Pre-K all the way through 12th grade. Let's think about that, is a 4-year-old going to drive a motor vehicle illegally? I don't think so. Is a Kindergarten teacher going to document a Level 1 violation when a child looks on another child's paper to know the correct phonic letter?

In my son's first grade year, I was concerned about the "pod" seating. I addressed it and was informed that this type seating at this age encourages children who have less ability to be able to look off a child that understands. So my question, do first graders cheat or help each other learn the basic study skills?

126-99-2-1

States that the public school responds immediately and consistently to **each** incident. Who is going to monitor and enforce the consistency? Teachers are human and each has different personality traits, for example, behavior that is considered disruptive may be tolerated by one teacher and could aggravate another. This human nature instinct alone will cause inconsistencies in the practice.

126-99-3-1

I understand that this rule is stating how children should act, but honestly, how many are capable of meeting all of these requirements. Adults usually don't have the ability to act and treat others this way. I would like to address this for a moment, a child that has not been raised in a loving, caring, compassionate, respectful, fair, etc home environment, does not have the ability to walk in the school system and behave as a perfect child, so the responsibility falls on the teachers, counselors, aids, principals, and custodians to retrain this child showing them the correct ways to act and behave. This is not an overnight process, this alone could take one (1) month, which in turn could get a child documented in this database twenty (20) times, once per day.

126-99-5-3

Will the Kanawha County Board of Education develop and implement an education program for each grade level? Will this program keep Pre-K from being treated like a 12th grader?

126-99-11-3

Documenting of all Level 1 – 4 violations, are you serious? First of all, there is not enough hours in a day for the teachers, principals, and secretaries in the school system to be able to teach effectively, ensuring that each child receives the attention that they need. If this were the case, every student in the West Virginia School System would be making

straight A's. Some students are left behind, causing the grades to drop, and some students just don't care.

The change that has asked to be made will cause sensitive, confidential information to be input into a database that could be accessible by anyone in the school system. This database will only keep record of the negatives of any given student. It will never house any positive feedback on the student. Where will this information go? What happened to the first amendment, where someone is innocent until proven guilty? Even though we are talking about children, they still have the rights of the constitution.

This change portrays a big brother approach, where someone is always watching you. The principal is already expected to document and keep a file on all Level 1 and 2 offenses, which is a very confidential system. The only way that someone could access the information is through the principal and I would hope that the principal has the child's best interest in mind before the information would be release to just anyone.

I greatly encourage this not to become the requirement.

Kelly Hill
Rt 2 Box 277E
Charleston, WV 25314
304-343-2210 (home)
304-357-6823 (work)
304-546-8947 (cell)

POLICY 4373: Student Code of Conduct**COMMENTS/SUGGESTIONS**

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: *William Niday*

Title: *Principal, Parkersburg High School*

Street Address: *2101 Dudley Avenue
Parkersburg, WV 26101*

| Comments/Suggestions |
|--|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

126-99-6. Attendance Policy.**Policy 4373: Student Code of Conduct****Page Two****126-99-7. Violations of the Student Code of Conduct.**

I believe this policy is too prescriptive. State Policy should be more general, giving counties + schools direction, but leaving the specifics for counties + schools to determine. This draft, however, is an improvement over the original draft. The change on the response to Possession of a Controlled Substance is good.

126-99-9. Complaint Procedures.**126-99-10. Investigation Procedures.**

The investigation procedures is improved but I believe is still too restrictive. We need the ability to investigate without parent notification. Involving parents at a level due process hearing would be appropriate.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

I think this is appropriate

Policy 4373: Student Code of Conduct

Page Three

126-99-17. Prevention and Intervention Training.

126CSR99

126-99-6. Attendance Policy.

**Policy 4373: Student Code of Conduct
Page Two**

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

I do not see the merit of mandating that every single discipline issue be entered on WVEIS. The building administrator is inundated with paper work. This seems to be "busy work."

RETURN COMMENTS BY: November 22, 2002 TO:

Shirley McGraw

West Virginia Department of Education

Building 6, Room 722

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

West Virginia Department of Education

1900 Kanawha Boulevard East

Charleston, WV 25305

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GENERAL COMMENT

A policy that has as much direct influence into the operation of a school should never be passed as late as the current policy was. We had training on this policy one week before we had to implement the policy. This is not appropriate. A policy of this magnitude should be passed by at least May to be implemented the following school year. This would allow us to get information our student handbooks and to properly prepare.

Also, I think principals' input should be used during the drafting of a policy concerning discipline. Principals are expected to implement the policy. Principals should be involved in the writing of the policy. This would help eliminate some of the problems that needed to be addressed.

Mary Jane - FYI
RECEIVED
NOV - 6 2002

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Dianne Boggess

Title: Coordinator, Safe & Drug-Free Schools Program

Street Address: Wood County Schools, 1210 13th Street, Parkersburg, WV 26101

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |
| 126-99-6. Attendance Policy. |

Policy 4373: Student Code of Conduct
Page Two

126-99-7. Violations of the Student Code of Conduct.

Both sections 7.1.7.c and 7.1.8. a. of the policy must contain the phrase "on a school bus" to be consistent with section 7.1.5. a. and section 7.1.7.e. Also, section 7.1.8.a. must include "distributing" and "under the influence" not just "possession" as the section currently reads. My suggestion is to rewrite them as below.

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

7.1.8. a. Pursuant to W.Va. Code §18A-5-1a(b), if a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of this state if committed by an adult; or for unlawfully possessed ing. distributing, or being under the influence of a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §§60A-1-101 et seq. on the premises of an educational facility, on a school bus, or at a school-sponsored function ~~a controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §§60A-1-101 et seq.~~, the principal may request that the superintendent recommend to the county board that the student be expelled.

reads better in this position - Boggs

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

126CSR99

**Policy 4373: Student Code of Conduct
Page Three**

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

**Shirley McGraw
West Virginia Department of Education
Building 6, Room 722
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Mike Boyd, Wood County Schools

Title: Director of Secondary Education

Street Address: 1210 Thirteenth Street, Parkersburg, WV 26101

Comments/Suggestions

126-99-1. General.

126-99-4. Application.

126-99-5. Planning by County Boards of Education.

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct
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126-99-7. Violations of the Student Code of Conduct.

7.1.7 A. As defined in W.Va Code 61-7-2, a pocket knife with a blade three and one-half inches or less shall not be included within the term "knife" as defined herein, unless such knife is knowingly used or intended to be used to produce serious bodily injury or death. (This should be added to the existing statement in the Student Code of Conduct as stated in WV Code to help alleviate some confusion as to what is classified as a knife)

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Policy 4373: Student Code of Conduct
Page Three

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

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COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Dr. Kim Jennings;
Philippi Middle School

Title: Teacher (18 1/4 yrs.); Mother of "3"

Street Address: 330 S. Main St., Philippi, WV 26416

Comments/Suggestions

126-99-1. General.

Policy 4373 (Section 10.2)

After being an educator for 18 1/4 yrs. & a concerned parent of "3" daughters, I am appalled to think that educated people are suggesting that we risk our children's lives

w/ regard to drugs & weapons charges in order for the accused student's parents' to be available for student questioning regarding the issue at hand. Any person w/ any intelligence whatsoever should realize that in order to get to the bottom of any

crime - it must be done promptly & accurately w/ eye witnesses being unaware of the interrogation of others involved. If we allow a delay in any investigation we are doing nothing more than placing our children at-risk & hindering the possibility for a successful resolution to the problem at hand. This policy enables the



potentially guilty to have opportunity
to collaborate w/ others involved in
order to develop a unified story
which could possibly alleviate guilt,
from an absolutely guilty subject,
& hence jeopardize the safety
of the innocent children!

Policy 4373: Student Code of Conduct

Page Two "Wake Up To The Real

126-99-7. Violations of the Student Code of Conduct.

World! Protect The
Innocent For A Change!

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

126CSR99

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Glewn Righman

Title: Teacher / Faculty Senate President

Street Address: Philippi Middle School Rt. 3 Box 40 Philippi, WV 26416

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

126CSR99

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct
Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures. *Please remove permission or Parent consent to interview students to solve problems especially at level 4. This will tie the hands of school administrators trying to keep a school safe and conducive of a good learning environment.*

126-99-11. County Board of Education Action and Reporting.

126CSR99

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

**Policy 4373: Student Code of Conduct
Page Three**

126-99-17. Prevention and Intervention Training.

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COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization:

Thomas E. Long
Marion County Schools

Title:

Superintendent

Street Address:

200 Gaston Avenue, Fairmont, WV 26554

| Comments/Suggestions |
|--|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |
| 126-99-6. Attendance Policy. |

Policy 4373: Student Code of Conduct**Page Two****126-99-7. Violations of the Student Code of Conduct.****126-99-9. Complaint Procedures.****126-99-10. Investigation Procedures.**

I support the change made removing Level III. Leaving it in would not have been workable. Thank you for listening.

126-99-11. County Board of Education Action and Reporting.**126-99-15. Assessment of Effectiveness.**

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Policy 4373: Student Code of Conduct

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126-99-17. Prevention and Intervention Training.

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Ken Bussolletti
Riversville, WV

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

I would like to see exact language that spells out the idea that students are required to complete, not "write" assignments, as letter "h" under level II violations reads. The poster that I was told to have displayed in my classroom says that students are to attend class faithfully, complete assignments on time...

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

POLICY 4373: Student Code of Conduct

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Jane Roberts - Alban Elementary

Title: Principal

Street Address: 2030 Harrison Ave, St. Albans, WV
25177

| Comments/Suggestions |
|---|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |

126-99-6. Attendance Policy.

Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

10.6, 10.7 It is unreasonable to expect a written report to be compiled or shared with parents for each violation. Only serious violations should warrant this amount of time.

126-99-11. County Board of Education Action and Reporting.

11.3 It is unreasonable to expect that the principal should enter all violations into WVEIS. Only those resulting in an out of school suspension should be entered.

126CSR99

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

**Policy 4373: Student Code of Conduct
Page Three**

126-99-17. Prevention and Intervention Training.

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West Virginia Department of Education
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1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: Sandra S. Stroebel

Title: Parent

Street Address: 1569 Loudon Hgts Rd. Charleston, WV 25314

| Comments/Suggestions |
|--|
| 126-99-1. General. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |
| 126-99-6. Attendance Policy. |

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Policy 4373: Student Code of Conduct

Page Two

126-99-7. Violations of the Student Code of Conduct.

126-99-9. Complaint Procedures.

126-99-10. Investigation Procedures.

I am concerned about the change in procedures for reporting Level I and Level II violations.

It is my understanding that all violations have to be entered into the WVEIS. I think this will be an unnecessary activity. I think keeping the Level I and II violations on record at a school level is sufficient. I am concerned about the extra paper work that will be added to teachers. I would rather see them spending more time with innovation consequences for violations then spend more time recording them. Also the stigma involved with having a child's name entered into the system when the only problem is too much talking or tardiness is a problem. It does not seem to warrant recording it at a state level. Please keep the old system in place where only Level III and IV violations are reported in the WVEIS.

126-99-11. County Board of Education Action and Reporting.

126-99-15. Assessment of Effectiveness.

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

Policy 4373: Student Code of Conduct

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126-99-17. Prevention and Intervention Training.

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POLICY 4373: STUDENT CODE OF CONDUCT

COMMENTS/SUGGESTIONS

Directions: Please use this form in commenting on proposed Policy 4373.

Individual/Organization: James P. Brannon

Title: Principal, Cross Lanes Elementary School

Street Address: 5525 Big Tyler Rd., Cross Lanes, WV, 25313

| Comments/Suggestions |
|--|
| 126-99-1. General. With the following mentioned procedures/concerns you are rendering the principal ineffective in being a school and curriculum leader. You are increasing the job stress, without taking anything away. No wonder you are facing a shortage of certified and qualified principal applicants. No one wants the job. I love being a principal, but you are creating an environment in which I cannot function effectively. I am a former National Distinguished Principal and am current WV Counselor's Association Administrator of the Year, with 26 years as a principal. I know a little bit about what I am writing. |
| 126-99-4. Application. |
| 126-99-5. Planning by County Boards of Education. |
| 126-99-6. Attendance Policy. |
| Policy 4373: Student Code of Conduct |
| 126-99-7. Violations of the Student Code of Conduct. |

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11-21-22

126-99-9. Complaint Procedures.

9.1 - Teachers are professionals and can handle infractions. Research has indicated that those teachers who handle discipline problems have better control compared to teachers who constantly refers students to the office. The only "appropriate personnel" at the elementary school would be the principal. If he/she takes care of all discipline procedures then he/she will have little time for anything else.

126-99-10. Investigation Procedures.

126-99-11. County Board of Education Action and Reporting.

11.3 - Reporting "all" violations of infractions of code of conduct would be impossible with principals who have no vice principal, full time counselor, or office clerk. Principals are being overwhelmed with clerical work, causing job frustration, early retirements and lack of qualified persons who what to serve as principal.

Only behaviors resulting in loss of classroom time should be required to be entered in WWEIS. Would you report each tardiness, student playing with a toy, etc.?

Students in primary grades are learning appropriate social behavior and should not have minor infractions on their record for the rest of their educational career. I think some parents and the public will question this.

126-99-15. Assessment of Effectiveness

126-99-16. Assessment Identification of and Classification as a Persistently Dangerous School.

**Policy 4373: Student Code of Conduct
Page Three**

126-99-17. Prevention and Intervention Training.

RETURN COMMENTS BY: November 22, 2002 TO:

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