

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

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2002 JUN -7 P 3:44

OFFICE OF 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. Constitution, 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, 18-2C-1 et seq., 18-2-33, 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 61-2-15, 61-7-2, 61-7-11a, and 60A-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 \_\_\_\_\_

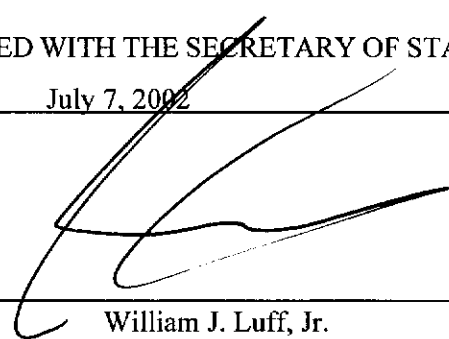
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 99

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 7, 2002.

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

\$6.60 w/out comments  
\$24.10 w/comments

SCANNED

## **Executive Summary**

### **Student Code of Conduct (Policy 4373)**

#### **Background**

Currently, the West Virginia Board of Education has in effect policies dealing with hazing, harassment and bullying as well as a Student Code of Conduct Policy. In order to assure consistency in the prevention, intervention and reporting process, a new Code of Conduct Policy has been developed.

#### **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 regulations is to provide West Virginia school districts with a policy of student conduct that will clearly define the behaviors that are unacceptable and will ensure an orderly and safe environment that is conducive to learning.

These regulations also require 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 Student Code of Conduct policy will ensure that public schools 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.

**Policy 4373 Comment Summary Chart**  
**Comments Received on Policy 4373 (Student Code of Conduct)**  
**Main Issues and Recommendations**

Action codes: N: No response NA: Not accepted A: Accepted  
 (Sections marked with \* refer to the revised policy, and appear in red)

#	Main Issue	Comments	Action Code	Recommendation
1	Requiring an investigation and documentation for each violation is unreasonable and time-consuming	19	A	All reports shall be investigated. Change policy to require internal documentation for Levels I and II, and WVEIS documentation submitted to WVDE for Levels III and IV. (see sections 10.1, 10.6 and 11.3*)
2	Requiring parents to be contacted each time students are interviewed is unreasonable	18	A	Change policy to require parental contact for Levels III and IV only. Parental contact shall be discretionary at Levels I and II. (See section 10.2*)
3	Policy is too restrictive, too time-consuming, prevents immediate feedback	16	NA	Counties actually have considerable flexibility in this policy: --Section 4.1 indicates: "Counties may add components to reflect county school system policy/procedures." --Section 6.1 indicates: "County policies may reclassify specific violations as Level I, II, or III, depending on the severity or repetition of the violation." --Section 6.1.5.h. allows counties/schools to address any habitual violation of school rules or policies as a Level III violation

				(Note: these sections need to be clarified in staff development sessions to familiarize employees with Policy 4373.)
4	Overall negative tone of policy; does not articulate the actual "code of conduct" to which the policy refers	13	A	Change policy to add a section that articulates a student code of conduct in a positive tone (See section 3.1*)
5	Criteria & reporting procedures for "persistently dangerous" need to be more clearly defined	12	N	WVDE is currently researching information from other states re: specific criteria for a state definition for "persistently dangerous school"
6	More time is needed for comment on this policy, and more input is needed from principals and county administrators	11	N	67 comments is a significant response, representative of the public sentiment toward this policy. Additional time will likely result in more of the same comments.
7	Policy undermines local control and good judgment on the part of principals and teachers	11	N	See recommendation for Issue #3 above
8	Policy is too lengthy & comprehensive; too difficult to implement	9	N	
9	Inconsistencies in levels of violations: Why is (6.1.1.g.) "Insubordination" is a Level I and "disobeying a teacher" a Level III violation?	6	A	Change policy to make "Insubordination/Unruly Conduct" (6.1.1. g.) a Level II violation. Change 6.1.5.c. to: "Disobeying a teacher willfully" to indicate the more serious Level III violation, as indicated in 18A-5-1a.

				(See 7.1.3.h. and 7.1.5.c.*)
10	Why is "Smoking" (6.1.1.j) is a Level I violation, yet smoking is a violation of State Policy 2422.5A? and why is alcohol possession a level III violation—what about "under the influence of alcohol?"	5	A	<p>Substitute the word "tobacco" for "smoking" in 6.1.1.j. and move to 7.1.1.i.* Leaving this as a Level I offense provides the opportunity for schools to implement tobacco cessation intervention activities prior to more severe consequences. "Habitual" violations of this and any other school rules or policies can result in a Level III violation as determined at the local level (see 7.1.5.h. *)</p> <p>Change 6.1.5.a. to read: "A student will not possess, distribute, or be under the influence of alcohol in an educational facility..." (See 7.1.5.a.*)</p>
11	Unrealistic expectations in the policy: completion of investigation in one week; getting parents to sign and return a contract; notification to WVDE of all substantiated violations	5	A  A  A	<p>Add language to policy to allow requests for additional time for investigations (See 10.6*)</p> <p>Change policy to remove language requiring signed contract returned by parents (Omit section 14.3*)</p> <p>Change policy to require WVDE notification of substantiated violations of Levels III and IV only (See 10.6 and 11.3*)</p>
12	Procedures for dealing with special needs students are not adequately	2	N	Section 3.1.2. makes reference to Federal or State special education law

	addressed			
13	The statement of required student behavior is missing from 6.1.3.a.	1	A	Add to 7.1.3.a.* the following statement: "A student will not bully/harass/intimidate another student."

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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, 18-2C-1 et seq., 18-2-33, 18-5-1, 18-5-13, 18-16-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 61-2-15, 61-7-2, 61-7-11a, and 60A-7-11a.

1.3. Filing Date. -- June 7, 2002.

1.4. Effective Date. -- July 7, 2002.

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W.Va. §126CSR99, "Student Code of Conduct" (Policy 4373) filed May 3, 1991 and effective June 13, 1991. 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 school-

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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, RESA or state 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 Levels of Response 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 December 1, 2002, 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. West Virginia Board of Education Policy 4110, W.Va. §126CSR81 (Attendance Policy) 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 West Virginia Board of Education Policy 4110, W.Va. §126CSR81 (Attendance Policy) 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.

### **§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 violation. 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 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 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.

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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 West Virginia Board of Education Policy 2460, W.Va. §126CSR41 (Safety and Acceptable Use of the Internet by Students and Educators).

k. Tobacco. In accordance with West Virginia Board of Education Policy 2422.5A, W.Va. §126CSR66 (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 school, a student will not return to the school premises without permission of the proper school authorities.

m. Truancy. In accordance with West Virginia Board of Education Policy 4110 (Attendance Policy) 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.

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### 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
- M. Immediate exclusion by teacher from one class period of the school  
day
- N. Weekend detention
- O. In-school suspension

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

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 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 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.

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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, write 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

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

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violation following the procedures outlined in W.Va. Code §18A-5-1a, subsections (d) 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. Profane language. A student will not use profane language directed at a school employee. Using profane language may include, but is not limited to, verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school employee.

e. 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.

f. Hazing. A student will not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person 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.

g. Improper or Negligent operation of a motor vehicle. A student will not intentionally or recklessly operate a motor vehicle, on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health or welfare of others.

h. Violation of school rules or policies. A student will not habitually, as defined by the county, violate school rules or policies.

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### 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 of the Level III violations.

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

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

d. Agency notification, such as DHHR.

7.1.7. Level IV Violations. Violations in the Level IV category are consistent with those addressed in W.Va. Code §18A-5-1(a) and (b). Level IV violations in this policy are aligned with definitions in W.Va. Code §§61-6-17, 61-6-24, 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-5-1(a) and (b).

a. Assault/Battery on a school employee. A student will not commit an assault by unlawfully attempting to commit a violent injury to the person of a school employee as outlined in W.Va. Code §61-2-15(a). 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).

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), assault and battery (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/petit 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 on the premises of an educational facility or at a school-sponsored function a

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controlled substance governed by the Uniform Controlled Substances Act as described in W.Va. Code §60A-1-101, et seq.

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.

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.

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 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. If a student has been suspended 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.

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

c. 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.

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d. 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).

e. 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.

f. 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 West Virginia Board of Education Policy 2418, W.Va. §126CSR20 (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.

g. 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.

h. 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 of 1990 (Public Law 101-476), or with West Virginia Board of Education Policy 2419, W.Va. §126CSR16 (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

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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 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, assault 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 principal 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 West Virginia Board of Education Policy 5310, W.Va. Code §126CSR142 (Performance Evaluation of School Personnel).

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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 West Virginia Board of Education Policy 4373, W.Va. Code §126CSR99 (Student Code of Conduct) in accordance with West Virginia Board of Education Policy 5310, W.Va. Code §126CSR142 (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 III or 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. Parental notification is encouraged at Level II 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.

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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 past 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 one week 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 written report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. County procedures must be developed to determine which reports are then submitted to the county superintendent and/or county board of education.

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.

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 B's plan developed pursuant to §126-99-4, above.

11.3. The principal, superintendent or designee shall immediately file a report with the West Virginia Department of Education of all substantiated reports of Level III and IV

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violations of the Student Code of Conduct. An internal record of all Level I and II substantiated reports must be kept in the principal's office.

### **§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 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.

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### **§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 incidences of Code of Conduct violations; action taken in response to incidents; training and staff development offered by the counties and other agencies.

### **§126-99-16. Assessment and Classification as a Persistently Dangerous School.**

16.1. School Rates of Level III and IV violations will be used to determine persistently dangerous schools as required by H.R. 1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind). During the 2002-2003 school year the rate of these violations will be determined to set a baseline for determining persistently dangerous schools.

16.2. Beginning with the 2003-2004 school year, county school systems must provide targeted technical assistance to any school that has more than 60% the rate of violations that would result in classification as a Persistently Dangerous School.

16.3. Beginning with the 2003-2004 school year, the West Virginia Department of Education must provide targeted technical assistance to any school that has more than 75% the rate of violations that would result in classification as a Persistently Dangerous School.

16.4. Beginning with the 2003-2004 school year, the West Virginia Department of Education shall require that 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, be allowed to attend an alternate safe public school.

### **§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.

# FISCAL NOTE WORKSHEET

(Submit 4 Copies)

DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

PROJECT Student Code of Conduct - Policy 4373 FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

TYPE OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

TYPE OF 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
ESTIMATED TOTAL COST	\$ 0.00		\$ 0.00		
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$ 0.00		\$ 0.00		
ESTIMATED TOTAL REVENUES	\$ 0.00		\$ 0.00		

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

DATE  
1/22/02

AGENCY  
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE  
[Signature]

**POLICY 4373: STUDENT CODE OF CONDUCT  
COMMENT LOG**  
April 27 2002- May 27, 2002

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

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/7/02	Warren Grace, Jr. Principal Paden City High School	<p><b>\$126-99-1. General.</b></p> <p>For the record, I am very much opposed to the aforementioned policy. As a secondary school principal with 20 years of secondary school administrative experience, I am very much aware that high schools throughout the state currently have in place disciplinary policies and procedures that are working very effectively. To implement a policy of this nature would certainly undermine the local control of local secondary schools. If the OEPA determines that certain specific schools are in need of state control, then take care of that problem. Leave the rest of us alone. I am quite sure that the State Board has other, more pressing issues to address. I might add that most school principals in our state DO NOT know anything about the proposed new policy regarding student conduct. This is the busiest time of the school year for every secondary school in the state. The comment period ending May 27<sup>th</sup> is certainly not enough time for appropriate comment from high school personnel. There are many portions of the policy that are unenforceable and will cause us to delete most of our Student Handbook. A policy as far-reaching as this certainly deserves more time and input from the secondary school</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/7/02	Warren Grace, Jr. Principal Paden City High School	§126-99-1. General (con't.) administrators and other personnel. I would ask that this policy be placed on the "back burner" to allow reasonable in put. Thanks.		
5/20/02	Bill Niday Principal Parkersburg High School	I am concerned about this policy being too specific. It appears that county boards of education and schools will have very little latitude in their discipline policies. I also disagree with the cookbook approach to discipline. I believe administrators and teachers are paid to make judgments about the type of discipline that is appropriate for students. This policy removes some of the decision making authority for teachers and administrators. I understand that for serious offenses (Level 4 in this policy) there needs to be serious consequences. The Safe Schools Bill dealt with this and I believe it has been effective. I believe, however, that this policy goes too far in defining specific consequences for specific offenses. I do not believe a State Policy should address these issues with this type of specificity.		
5/16/02	Kevin McCoy President WV Family Foundation (AFA of West Virginia)	The policy appears to be well written and covers the expectations of both the WV State Legislature and the WV State School Board, wherein to make schools a safe place for all children while they learn in an environment free from harassment and other form of unacceptable behavior.  The policy is very clear and precise as to what behavior is expected of students while at school, and equally clear as to the behavior that is not acceptable and to include the consequences of such behavior and violation of the policy.		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/16/02	Kevin McCoy President WV Family Foundation (AFA of West Virginia)	<p><b>\$126-99-1. General (cont.)</b></p> <p>I am particularly please that item 6.1.3a Bullying/Harassment/Intimidation is absent of classification or groups of people as this would be extremely divisive. In addition, this would have lead to a never-ending list of classification in an effort to ensure all students are protected from this kind of damaging behavior.</p> <p>This section of the policy is clear that there is "zero tolerance" for all forms of this type of behavior.</p> <p>Those involved in developing this policy should be highly commended. I strongly urge the WV State School Board to adopt this policy as written.</p>		
5/20/02	Jimmy Wyatt Principal Tyler Consolidated High	<p>This is an unneeded document that is poorly organized and only complicates the issue of having an orderly well managed school. The total document needs rejected.</p>		
5/20/02	Johanna Lemasters	<ol style="list-style-type: none"> <li>1. Smoking and alcohol use should be classified as illegal acts and have the same consequences.</li> <li>2. Having parents into the school for conferences following each violation would be impossible. Many people in rural areas do not even have phones.</li> <li>3. There are too many interventions for offenses. Parents would complain and wonder why one intervention was picked and not another.</li> <li>4. A student cannot be denied enrollment into school even without records when we have been told for years that a kindergarten student MUST have immunizations and a CERTIFIED birth certification before they can enter school. Has this rule been changes, too?</li> </ol>		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>§126-99-1. General (cont.)</b>		
5/20/02	Johanna Lemasters	5. Attendance should count for course credit. How can a student gain knowledge when he/she is not present in the class for 20 days?		
5/20/02	Mrs. Alice Click State Director for Concerned Women of America	I first of all wish to commend your committee on the amount of work and thought that has gone into the Student Code of Conduct Policy (4373). I work in the school system and wish to see our children safe, also. I believe you have addressed this well. The policy describes what students can expect while at school and the consequences of violating the policy. I believe the policy will address Bullying, Harassment and Intimidation for ALL students.		
5/22/02	Robert K. Harris Asst. Superintendent Wood County Schools	The policy is too lengthy and too comprehensive in terms of what has to be done at the county level to implement the policy. Too many levels and codes to use. I see counties being stifled by the wordage. I believe this type of policy is usually ignored by schools because it is too difficult to implement. It will take hours of training to make certain it is understood and implemented. Are the WVEIS codes up to date and understood by all? Can we have more consideration for the work load of teachers and principals while being supportive through policy? I do not envy your task.		
5/23/02	Paula Sanders Braxton County Schools	In general, I found this policy does address harassment and bullying of students by students, but I believe it goes far beyond that. It seems to include areas which actually have very little to do with that problem and I feel they should be eliminated from this policy. For instance, disorderly conduct on a school bus... what does that mean and what does that have to do with bullying and harassment of other students? Can a bus driver put a 6 teachers and drivers could actually harass and bully students using this policy. You should have parents involved in this process more, both as part of the complaint procedures, investigation, procedures, agency reporting, training, assessment of effectiveness and in the writing of policies like these. That is what our		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/23/02	Paula Sanders Braxton County Schools	group, Support Our Schools and the National PTA have suggested as part of their standards. More Family Involvement with schools at every level.		
5/24/02	Danny Brown Principal Clay Elementary School	This policy is not needed. Principals, central office administrators, and local boards should make these decisions. This policy is both too broad (it tries to cover too many different situations,) and too specific (it provides too much detail on how to deal with those situations.) It takes away flexibility and takes valuable time to implement--time that could be spent on more productive issues, such as curriculum and instruction. If this policy were to be implemented, it would require the funding and hiring of an investigative administrator at each school. Present personnel do not have the available time to comply with all of the requirements. This policy is simply not needed and would be detrimental to running a safe and efficient school.		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	This policy could preclude discretionary action by the principal to discipline children with individually-tailored, compassionate, and appropriate action. Equality does not necessarily mean that the same action is applied to every child in similar cases.		
5/24/02	Larry Stinn Principal Pleasant Hill School Grantsville WV	We increasingly insist academic programs be based on the best research. On what research are the levels and strategies in this policy based?		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	I believe everyone in our state wishes to see the most nurturing and safest schools possible. However, philosophically, I believe that a student code of conduct should model those behaviors we wish to see in our school children, not delineate a criminal-code-like litany of offences, procedures and punishments. The current Policy 4373 may be an appropriate policy to address a schools--run-amuck situation. But a good policy for a crisis situation can be a bad policy in the absence of the crisis it intends to address. Taken as a whole, Policy		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	4373 is a giant vote of no confidence in the administrators, teachers, and, most importantly, the students in our schools. I challenge the Board to provide the data - we have no such crisis.		
5/24/02	Melrose Elem. School Princeton, WV	I feel that some of these guidelines are too limited in what actions can be taken after a student repeatedly misbehaves. Too much elapsed time between an offense and discipline action.		
5/24/02	James Haynie and staff at Clay County High School Clay, WV	This policy is to cumbersome. Discipline as we know it would grind to a halt. You would have to hire 2-3 additional personnel to carry out all of the provisions included. The delays in the investigations could result in tainted and false reports. This policy is not efficient nor is it in the best interest of the students. This policy will thwart our efforts to provide for safe schools.		
5/28/02	Bonnie McGlumphy	I feel that the level responses need to be clarified. I also feel that the persistently dangerous school needs to be clarified as well. If a student habitually gets written up for small things...progresses to level II...then we are a persistently dangerous school for little things. Maybe I misunderstood this section.		
5/28/02	No name given	I did not like the investigation procedures either. This will take away the effectiveness of immediate action by the teacher and principal. Not to mention the fact of the paper work involved. I realize the need for investigation when matters are critical, but do we need to investigate everything?		
Page 6		Investigation procedures should only apply to levels III and IV. It is absurd to do investigations on any minor offense. This procedure will also take away instructional time as all there will be time for is documenting minor offenses. The process; will encourage teachers not to report as their word will be questioned each and every time.		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>\$126-99-1. General (cont.)</b>		
5/28/02	No name given	<p>Parent conferences for offenses other than levels III and IV are not practical. Many of our parents in the area I work in work full time or are economically at lower levels and do not have transportation or telephones. The conferences would also delay the punishment giving more power to the student.</p> <p>Designating schools as Persistently Dangerous Schools need to be more well defined. Smaller schools with few students who are disciplined at a higher rate for repeat offenses that are not necessarily violent will up the percentage rates and skew the results. After the designation, this will cost the counties and state money which could be better spent elsewhere. It is also difficult enough to hire teachers and keep them. A school designated as such would be at a disadvantage when looking for qualified personnel.</p>		
5/28/02	<p>Rachelle Harter Hundred High School Wetzel County</p>	<p>I am very happy with the policy in general. It is much like the one we developed at Hundred High School which has been easy to enforce and seems fair. One of the problems I do anticipate is in the wording of the sections with suspension. Does a hearing need to be held for level II OSS? What actions can be taken prior to the informal hearing described in level III responses? Secondly, do all levels of conduct violations require a hearing as described in 126-99-9? Most disturbing is if EVERY discipline is investigated the amount of my day spent in reporting and investigating could substantially impact instruction. I think there needs to be more reasonable guidelines for investigating certain violations but not all of those listed. Also students will quickly unify to help each other out if teacher charges of insubordination/unruly conduct, inappropriate displays of affection, cheating, and others which occur within the classroom require corroborating testimony. At worst, this policy could degenerate into a useless document because teachers and administrators will find a way to circumvent it. The classification of a school as dangerous should come only from those violations which are dangerous...not clumping II, III, and IV together.</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/28/02	No name given	I feel this type of change regarding procedures in the enforcement of the student code of conduct is not a beneficial change. It will be extremely time consuming and would require a reallocation of personnel. We need more time in the classroom for instruction not spending more time on discipline.		
5/28/02	Brian Collins	I do not feel that this type of change in policy would be beneficial to our school system. The idea is very unrealistic, and time consuming. The idea is not practical and would be very difficult to implement.		
5/28/02	Carl Holcomb Seventh Grade Teacher Clay Middle School	School administrators do not have the time to implement this proposed policy and still have the time to be proficient at the capacity of leading the school in a productive and efficient manner.		
5/28/02	Catherine Carpenter Clay County Middle School	This letter is to inform you that I strongly urge the "correction" of the current WV Student Code of Conduct. As a WV Special Ed Teacher, I find the Investigation Procedures to be extremely cumbersome and unnecessary. We (faculty and staff) take care of incidents everyday by talking to the parties involved. Most incidents are so minor that there is no need for a "third party investigation". Talk about making a mountain out of a mole hill.....		
5/28/02	Chasity Dawson 6 <sup>th</sup> Grade Teacher Clay County Middle School	Please take what ever action is needed to correct this situation.		
5/28/02		I am writing to express my dissatisfaction for Policy 4373. This policy is unrealistic and would be the downfall of discipline as we know it. It would result in less discipline and unruly classrooms. This would be ideal if teachers hand more hours in a day but unfortunately we do not. Some problems arise in the classroom that need to be taken care of immediately. This policy would hinder immediate feedback. I do not support this policy.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
		<b>§126-99-1. General (cont.)</b>		
5/28/02	Cheryl Thomas Teacher Clay County Middle School	Too much of our day is already taken up with paper work and with dealing with behavioral problems. I feel this policy would cause us to become hopelessly mired in tedious disciplinary activities. Our students are well-behaved for the most part, but we keep high standards. Policy 4373 threatens those high standards. Please reconsider this policy and help us "teach" during the school day. We just don't have the time or personnel to handle disciplinary problems in the manner suggested by policy 4373.		
5/28/02	David Lee Ellison Teacher Clay County Middle School	I wish to inform you of my displeasure at the prospect of requiring principals to contact parents concerning routine discipline measures taken during a regular school day. Today's principals are overloaded already with teaks too numerous to mention. In addition, teachers on the front lines need immediate support for problems encountered in the classroom for which they see no alternative but an office visit for the child. In most cases, these problems are handled quickly and efficiently by our administrative staff and the authority of the teacher is reinforced and fewer problems are encountered. By requiring a parent to be contacted prior to the face to face questioning of the student, the authority of said principal and of the referring teacher is diminished. Also, because of the backlog of cases this would create, the principal would no longer have the time necessary for proper school organization, teacher observation, curriculum development, and other important duties. If this is to become policy, you'd better figure on a greater budget for each school to handle these cases as it is impossible with our present staffing levels and unreasonable to require it of them. Therefore, let it be known... I'm completely against such a policy.		
5/28/02	Erica Samples Teacher Clay County Middle School	I oppose this policy greatly. This policy would be nice in an ideal world, but unfortunately that isn't reality. It would result in an uproar of discipline problems with no way to efficiently deal with them. Students need immediate feedback and this would hinder the process.		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>§126-99-1. General (cont.)</b>		
5/28/02	Evelyn Ellison Clay Middle School	I totally disagree with the Policy 4373, concerning the Code of Conduct. This would create such a backlog of student referrals that it would undermine any kind of discipline taken care of quickly that we would never be able to handle all of it in our school.		
5/28/02	Joyce White Clay Middle School	I feel that this policy will be harmful to our schools. I would appreciate your support.		
5/28/02	Loy Stull	Level III Responses students won't remember what they did wrong by the time an informal hearing takes place. Who will participate in the hearing? Will there be a person to cover if the teacher has to be there? It is hard to cover everything without all of the extra paper work. The way things are going that maybe all we have time to do. Can teachers take care of some level I and II violations without reporting? Assessment and Classification - why would you want to label a school as dangerous? Parents wouldn't want their children going to a school that was dangerous. I wouldn't want to work there.		
5/28/02	Mike Smith 8 <sup>th</sup> Grade Teacher Clay County Middle School	Principals do not have the time or the resources to contact parents for routine discipline problems. Students need immediate support for discipline problems and the punishment loses its effectiveness as the time for the investigation drags on. I do not think that this policy should be passed.		
5/28/02	Nancy Dawson Teacher Clay County Middle School	I am not in favor of this policy for our school. Thank you for your help in not supporting the passage of this policy.		
5/28/02	Patsy Lambey Teacher Clay County Middle School	I have been a classroom teacher for 28 years. Our school has good discipline, which protects the learning environment. I am adamantly opposed to Policy 4373. If this policy becomes law, our hands will be tied, and disruption in the classroom will become the rule, rather than the exception.		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Daniel D. Curry Superintendent Wood County Schools	<p><b>§126-99-1. General (con't.)</b></p> <p>State develops a general policy and leave it up to local board to develop specifics. This student code of conduct is a good example of a state policy that will most likely be violated on a daily basis. It will be violated because it is far more cumbersome and prescribed than any county policy I've ever seen in my career. This policy has identified 14 level 1 violations as if it is the definitive list. I assure you, there are problems that will come up that won't be on any list. I also can assure you that there are varying degrees of misconduct that may push a level 1 problem into level II and level III territory. Now, for the 14 possible level I violations we have 17 possible consequences. Granted, all are in the bag of tricks that a principal calls upon daily. What about community service? Taking out the trash? Discipline is a day to day occurrence for any school principal and each school does well to communicate and interpret its own discipline policy. I believe most principals in Wood County are fair and consistent. They also need to be able to handle and dispatch the small incidents quickly or they'll never have time to visit a classroom. There needs to be lots of room for personal judgment and wisdom, based not only upon the violation, but upon the student's circumstances and previous record. A state policy should be helpful to them.</p>		
5/28/02	Linda Shock Special Educator Grantsville, WV	<p>The policy change does not address the real problem with bad behaviors in our schools. Not only will it add an impossible duty (more paper work) to teachers and administrators, it still not going to do anything to special education students especially those with behavior disorders. Special needs students are not disciplined now and will not be disciplined under this policy. Some of these students do things and say, "You can't do anything to me!" I have spent a day each month this past year revising Individual Education Plans (IEP) goals and Behavior Intervention Plans (BIP) on one student. Not only was this time out of my classroom where I have other students that need to be taught but nothing was</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Linda Shock Special Educator Grantsville, WV	<p>\$126-99-1. General (cont.)</p> <p>accomplished with this student because he did not follow through with his part of the BIP. Please don't send behavior plans to me or my school, we have tried many and have knowledgeable people on staff that perse all ways to get help and behavior interventions that work. Students like this do not belong in public school showing the mentally impaired students and the regular ed students that they can get away with 1, 2, 3, 4 forms of violence and bad behaviors. All that I can see happening with this new policy is that fewer students will be reported for inappropriate behaviors because no one wants to take instruction time to complete a referral. As a special educator my plan time is not used in preparing lessons for the MI, LD, BD students in my classes and monitoring those in regular classes that are on my "list," I spend my plan time preparing reports for IEP and BIP meetings. I need to attend these meeting when the regular class teachers are free. My students are sent somewhere else if a sub cannot be found. If a sub is coming, I need to spend time writing out specific directions for each student. I am exhausted by amount of paper work I have to do now. Some students with autism that have unusual behaviors can be changed with interventions. These students with no cause violent behaviors need to be disciplined like everyone else in school. They get away with behaviors that other mimic and/or encourage.</p>		
5/28/02	Sandy M. Weese Superintendent Tyler County	<p>In my 13 years as Superintendent, I have never felt compelled to comment on a draft State Board Policy, until now. In my opinion, this draft policy is unnecessary, too detailed, and will create a tremendous burden on our overworked principals. Perhaps if every school had the luxury of having an Assistant Principal whose only responsibility was discipline, then there might be enough time to do all the things required in this draft. However, that is not a reality! Tyler County does not have ANY Assistant Principals. In addition to being the School's Instructional Leader, our Principals are</p>		

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5/28/02	Sandy M. Weese Superintendent Tyler County Schools	<p><b>§126-99-1. General (con't.)</b></p> <p>already spending an exorbitant amount of time dealing with discipline issues. This policy would probably double the amount of parent contacts and paperwork! The WV Safe Schools Act and the present Student Code of Conduct, coupled with our County Policy and individual school discipline policies are quite sufficient! We need to add specific language on bullying behavior, but that doesn't necessitate a new 23 page policy! This policy is attempting to address every discipline issue that may arise. That is an impossible task! Anyone who works daily in our schools can tell yo that there are new issues all the time, and principals must be trusted to use good judgment and establish consequences based on the particular circumstances.</p>		
5/28/02	Patricia Hicks Teacher Calhoun County	<p>I seldom comment on policies drafted by the state. However, I feel this policy needs some work done before it is adopted by the state. First, I only received notice of this policy today, which leaves very little time to read it all, since it is so large. I agree that we need safer schools. In a county as small as Calhoun, we don't have nearly the amount of problems that other larger counties have. However, we do have normal kids that behave like other normal kids. I feel the paper work involved with this policy would quickly become mind boggling. Yes, we need to keep track of the constant offenders. But, we need to spend our time teaching the students, not spend all our time doing paperwork. Many sections of this policy have all the earmarks of letting the students run wild. If we as teachers have to stop each time someone breaks a rule and do all the paper work involved, eventually we may overlook some of those "antics." Please give us a chance to look over this policy a little closer and see if there are other ways to take care of the problems within the school system. Don't give us 40 pages to read with a holiday looming over our heads and then ask for comments. I didn't use the regular form because I wasn't sure which category this would fit under. Thank you for listening.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Linda Richards Asst. Principal Princeton Middle School	<p><b>\$126-99-1. General (cont.)</b></p> <p>The staff and I went over the policy today during Faculty Senate at Princeton Middle School in Mercer County. We feel that the policy is too detailed. The levels are too broad (ex. to have tardiness, cheating and smoking in the same level). At our school we put a page in the student assignment book that lists 27+ incidents and the corrective action taken for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> offense. Tardy = 1<sup>st</sup> offense-one day after school detention, 2nd-2 days after school detention, and 3 days/1 unexcused absence. Cheating=1st -Teacher, Parent conference, 2nd-3 days of in school suspension, and 3<sup>rd</sup> offense equals 1 day of suspension. Smoking is addressed by the county policy. So, you can see that we have a fine tuned format for reporting discipline. The school uses a 3 page form that allows for the parent to get a copy, the teacher that files the complaint and one for the student's file. This is also placed on WVEIS and a monthly school discipline report is given to the Faculty Senate. We don't feel there is a need to change the format we are using and reporting discipline. The parent, student and teacher surveys also reflect satisfaction with the format.</p>		
5/28/02	Philip Dobbins Assistant Principal Clay County Middle School	<p>I am an assistant principal at Clay Co. Middle School and I do the bulk of the discipline referrals. I am very supportive of a code of conduct for students, however I feel the investigation part of this policy would be very cumbersome to say the least. Calling parents and giving them an opportunity to come to school to be with their children when they are being questioned is a ridiculous requirement. Then writing letters to those parents to let them know how the investigation turned out is absurd. The writer of this policy clearly has not been in charge of discipline in public schools. This would be great if we lived in a utopian society but in the real world this is not feasible. The way this policy reads would make maintaining discipline in a school an impossible task. In its present form, I do NOT support this policy.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>§126-99-1. General (con't.)</b>		
5/28/02	Stephen Goffreda Superintendent Roane County	I recommend that the comment period be extended. More time is needed for Principals and Assistant Principals to react/provide input, as portions of the policy may be extremely difficult to adhere to, and may create potential liabilities for local school districts. While this policy is thoroughly written and contains a significant amount of valuable legal guidance and references, there are portions that overlap into areas which have been traditionally reserved for local Board of Education authority and administrative procedures. I feel that the WVDE author(s), however, have made a very conscientious effort to venture into "new territory" with regard to statewide consistency, but we need a lot more time to examine these proposed changes to protect ourselves from commitments we can't realistically honor with some procedures. Thank you for your consideration of this request.		
5/28/02	Tina Burnette	I am writing to oppose this policy. It would completely choke a process whose hands are already tied. This policy does not make sense. It is not realistic. If you were in the classroom every day, this would be your worst nightmare. It will make being in the classroom scary due to the lack of discipline there will be in schools. Please do not support this policy.		
5/28/02	Allen Petrunger Kathleen Duncan Wilma Sexton	After reviewing the policy, we feel that this much change will be too confusing and hard to implement. We ask that you reconsider and simplify this policy. The old policy was working, so why change it? We feel it would be more beneficial to let the county mandate this policy.		
5/28/02	Linda McKinney	I am writing in reference to the following information that is up for input from educators across the state. I feel that the procedures outlined will stop efficient control of handling discipline problems within the learning environment. The need to stop incidents in a timely manner is an important one. This plan is time consuming and as educators we know that in most cases the time span for these steps for minor infractions		

Date	Individual/Organization	Comments	Action/ Type	Rationale
		<b>\$126-99-1. General (cont.)</b>		
5/28/02	Linda McKinney	could extend into days or even weeks. I feel that legal steps like the ones outlined should pertain to severe discipline as our current guidelines state. The steps follow lawyers guidelines and yes we as educators should and do take our students rights seriously but extremes are being initiated that will cause major problems.		
5/28/02	John Diltow Principal Ritchie Co. Middle/High	In general, the policy erodes relationships with children. A policy does not change students; high expectations does. A behavior contract to be sent home and signed and returned is unnecessary. Couldn't get them back anyway! "Agency" reporting is impossible!! Worked with DHR lately? This is not a code of conduct: it is a discipline policy! Who are these "mystical" people I have; to assign to investigate. A written report back to complainant is none of their business most of the time. Not enough differentiation between the 4 levels. Impossible to make the amount of parent contact called for. Who is going to enter all this stuff in WV/EIS; would be doing it every 2 or 3 minutes. Victims of violent criminal offenses need a "court date" and a jury. Passing this policy is a vote against my ability to run a school. Were principals on the committee who wrote this thing??? No time left for any of the other duties a principal has!! like supervising instruction!!! maybe.		
5/28/02	Deborah Akers Superintendent Mercer County Schools	Professionals need to be treated as such. We need to give them the flexibility to make decisions based upon the situation as they assess it. This policy is too prescriptive.		
5/24/02	Larry Stinn Principal Pleasant Hill School Grantsville WV	I agree wholeheartedly with the purpose of ensuring an orderly and safe environment conducive to learning.		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	"These regulations require county boards to.... Outline investigatory and reporting procedures, and to delineate penalties for violations of this policy."		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	<p><b>\$126-99-1. General (cont.)</b></p> <p>Herein lays the general difficulty with Policy 4373 as written. Once an investigatory procedure is mandated by policy – it must be followed. Once a prescribed penalty is articulated – it must be administered. As a former principal with 13+ years over PK - 12, I guarantee you there are many times that the prescribed course is exactly the wrong course for a certain child in their unique circumstances. If policy prescribes me to always be sterile in my handling of disciplinary situations, I will never be able to “invest” in a child the relationship that actually changes behavior. Policy 4373’s inflexible constraints reduce me to magistrate in my school. Just as the criminal code does little to change behavior in society, Policy 4373 will do nothing to change behavior in schools. People change people, policy never changes people.</p> <p>The irony in this well-intentioned policy is that the ultimate effect will be the opposite of its good intent. First, Policy 4373, well implemented, will further dehumanize the critical process of school discipline. Secondly, it will so exhaust the administrators who try to make the superhuman effort to follow the “investigatory and reporting procedures”, that they will have little time or energy to process the really important episodes that occur from time-to-time in our schools. Lastly, because it is virtually impossible to meet the “investigatory and reporting” requirements, the few students who deserve significant disciplinary action will have a policy provided challenge to their punishment when principals “single them out” for a truly thorough investigation.</p>		
5/24/02	Melrose Elem. School Princeton, WV	<p>We should make it clear to parents that we'll not tolerate student interruptions where the teacher can't follow thru with a lesson. With today's values and morals we don't always get support from parents.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Teresa Butler	<p><b>§126-99-1. General (cont.)</b></p> <p>As a classroom teacher, I am strongly opposed to the part of the policy that states that a principal must contact a parent in connection with an investigation. (9.2) How could anyone that has dealt with discipline in the public school system think this is practical? I have taught in the public school system for twenty years and have seen the school's system for twenty years and have seen the school's hands tied more tightly when trying to discipline children. This new policy will not only tie our hands, it will choke the system to death. Why don't you just say, "You may do anything you want at school because there is nothing the school system can do to you without a four-month investigation!" I hope that someone who actually deals with children brings someone to their senses and eliminates this asinine part of the policy.</p>		
5/28/02	<p>Sheri Graham Principal Arnoldsburg School Arnoldsburg, WV</p>	<p>9.2. This is not always appropriate or possible at my school. First of all, younger students need immediate correction and feedback. If I must wait to try and call all parents of any student I am going to question, I lose the immediacy younger students need. Also, approximately 20% of my parents have no telephone. Finally, this policy covers some pretty trivial things, such as deliberate defacing school textbooks. Administrative and instructional time will be lost to notify parents and invite them to be present when investigating trivialities. Some discretion is needed here. Teachers and administrators need to do so much more than formal investigation as outlined here.</p> <p>13.2. Arnoldsburg School's current handbook is 24 pages. This document, when copied in its entirety and transferred to Microsoft Word is 38 pages. Copying this into the handbook and/or distributing to all parents (approximately 200) is cost-prohibitive. This would cost our school \$190, that much less that can now be spent on instructional supplies.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Sheri Graham Principal Arnoldsburg School Arnoldsburg, WV	<p><b>§126-99-1. General (cont.)</b></p> <p>13.3. Our Title I School-Parent-Student Compact is a voluntary agreement. Can we really require parents to sign? Who will witness? What will happen if parents refuse? Assuming the beginning of the school year would be the proper time for dissemination, aren't there more important things to insist parents return at the beginning of the year, such as accident and medical information. Enrolling a child at the beginning of a year is already a cumbersome task before you add reading a technical 38-page document and sign a legally binding contract.</p> <p>15.1. This provision simply encourages schools to not record, or cheat in reporting, because the consequences for reported incidents are too stiff. So many minor things could be recorded and not mean yo have a "dangerous school." Consistency is a real problem. A school's high numbers might mean better and closer supervision, yet recording all offenses may make it appear dangerous, when the opposite is true. Schools will quickly learn to record less or watch less. This is not the intent. Perhaps recording only certain types or intensities of behaviors would be more appropriate. I applaud the intent of this law, which is apparently to give the schools more power to control student misbehavior that interferes with learning or the student's need to feel safe and secure. I just feel this makes the school too much of a courtroom, rather than a learning environment. I question who developed this policy. Did a team of recognized educators, parents, students, and law enforcement work together to get a document that would be appropriate?</p>		
5/28/02	Paula Sanders Braxton County Schools	<p>Define at a state level, for consistency: harassment, intimidation, bullying, substance abuse, and violence (too much room for interpretation)</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>§126-99-2. Purpose</b>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	Proactive and preventive approaches should be developed by local boards of education. Maximum discretion of the local school staff should be allowed.		
		<b>§126-99-3. Application.</b>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	The comprehensiveness of the application section is well-planned and is commendable.		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	Writing in the negative rather than the positive format conveys what not to do rather than what to do. Emphasize what we want students to do, not what we do not want them to do. For example, "All students, during... by any of those agencies, will behave in a manner that results in a school environment that is nurturing, orderly, ..." "		
5/28/02	Deborah Akers Superintendent Mercer County Schools	The policy in general micro manages schools and school systems.		
		<b>§126-99-4. Planning by County Boards of Education.</b>		
5/4/02	Lawrence M. Miller Superintendent Ohio County Schools	This section needs to be better correlated with existing state codes and the safe schools act so that county boards have clear direction for planning. The planning		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	process may take longer and may not be accomplished in such a short time frame.		
5/24/02	Larry Stinn Principal Pleasant Hill School Grantsville WV	Please not another education program added on to everything else. Integrate it with character education which, in my view, should be integrated with other school programs.		
5/28/02	Amy Coleman Teacher Montcalm Elementary Faculty Senate	Where county board involvement ensures consistency, it is important that each individual school has the power to decide which students need to be dealt with for infractions of the policy.		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<p><b>§126-99-4. Planning by County Boards of Education (cont'l.)</b></p>		
5/28/02	Paula Sanders Braxton County Schools	The County Board of Education should have participation from 1-3 community, 1/3 parents and/or students, and 1/3 school administrators/teachers		
		<b>§126-99-5. Attendance Policy.</b>		
5/20/02	Jimmy Wyatt Principal Tyler Consolidated High	This philosophy sounds good but does nothing to help our country. The proposed attendance policy deleting withdrawal of credit for excessive absenteeism does damage to any effective attendance program.		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	The policy is a good one. However, even with all strategies applied, including mediation, the judicial system does not react quickly and is often unwilling to hear chronic attendance cases. In addition, the system rarely takes steps to force the parent to cooperate and send the child to school on a daily basis.		
5/24/02	Melrose Elem. School Princeton, WV	Any violations (student interruptions) should be required to attend counseling at the school level with the guidance counselor.		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	<p>5.1 Last sentence has agreement problem with noun/possessive pronoun -- "...each parent or guardian to send their child(ren)..." This should read "each parent or guardian to send his/her child(ren)..." or "all parents or guardians to send their child(ren)..."</p> <p>****Something very important is missing here! Section §126-99-5 is titled "Attendance Policy." The next section is titled "Violations of the Student Code of Conduct." Where <u>is</u> the Student Code of Conduct that has to be in existence before a discussion of violations of it can take place? Should there not be Code of Conduct before the lengthy elaboration on violations of a code? No where in this policy is there a "code" of behaviors which students are to exhibit. There are pages of violations based upon negative behaviors. Where do students and others read about the behaviors appropriate in school? If we concentrate only upon what students are <u>not</u> to do, how do students learn what they are to do?</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<p><b>§126-99-6. Violations of the Student Code of Conduct.</b></p>		
5/24/02	<p>Larry Stinn Principal Pleasant Hill School Grantsville WV</p>	<p>Please leave discretion to principals in determining the severity of a violation. eg., is it Level I/Insubordination or Level III Disobeying a Teacher. The whole leveled system seems to rigid to me. Our students are very well behaved. Focusing on negative behavior and punishment would, I fear, make our school environment less orderly/safe.</p>		
5/28/02	<p>Karen Larry Adm. Asst. to Supt. WVDE</p>	<p>I have major concerns with a Code of Conduct that does not detail what conduct is appropriate; only what conduct is inappropriate. The listing of violations reads like a police manual. Is this what the school system wants?</p>		
5/8/02	<p>David B. Weekley Director, Student Support Services Ritchie County Schools</p>	<p>6.1.1g Insubordination – This is a level I violation yet 6.1.5c Disobeying a Teacher is a level III violation. They are the same thing. Also, 6.1.5c is a level III yet smoking is a level I. In addition, we are getting very close to violating freedom of speech and freedom of</p>		
5/8/02	<p>David B. Weekley Director, Student Support Services Ritchie County Schools</p>	<p>assembly when we say two (2) or more people cannot gather for the purpose of <u>discussing</u> promoting gangs in 6.1.3gA(c). 6.1.6d Agency notification - It does not say this is optional. If it is not then disobeying a teacher with require schools to notify the DHHR.</p>		
5/20/02	<p>Jimmy Wyatt Principal Tyler Consolidated High</p>	<p>This is an absurd clumping of violations which when a county changes the level of an offense would leave the system wide open to frivolous lawsuits because the state says .....</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/20/02	Holly Ashby MA EISE Preschool Special Ed. Mannington, WV	<p>Level I, letter j.- states Smoking - including all forms of tobacco products. Under this proposed policy it is considered a Level I violation with appropriate interventions as determined by local policy, which include but are not limited to: Student reprimand, in-school detention, etc. According to the proposed policy you have also listed alcohol as a Level III violation, and a controlled substance as a Level IV violation. My question or concern for this Board is in how they determined this decision of tobacco being under the Level I violation? According to our State Law any use of tobacco under the age of 18 is against the law. I would like some clarification on how this decision was determined in compliance with state law?</p>		
5/20/02	Holly Ashby MA EISE Preschool Special Ed. Mannington, WV	<p>6.1.7. Level IV Violations. The second area I would like to discuss is stated under Level IV Responses. The terminology of "dangerous student". A dangerous student is defined as a student who is likely to cause serious bodily injury to himself or another individual within that student's educational environment, which may include alternative education. This proposed plan would include all students attending that school. How will this be addressed with a 4-year-old preschool student? Preschool children attend preschool to develop socialization skills and bodily injury to themselves and other individuals will more than likely occur within that preschool setting (pushing, shoving, grabbing, etc.) Are we then to document and label these 4-year-old preschoolers "dangerous students" at the age of four? Which in turn will statistically label our school a "dangerous school". In conjunction with your proposed policy and the term "dangerous student", my next issue would be with 126-99-9.</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
		<p><b>§126-99-6. Violations of the Student Code of Conduct. (cont.)</b></p>		
5/23/02	Paula Sanders Braxton County Schools	<p>c. Clarify what disobeying a teacher consists of. this has been designated a Level III and experience tells us that different teachers will interpret disobedience differently. Level III should be something serious or move it to Level I.</p> <p>d. Why is profanity to students a Level I and to teachers a Level III. If the purpose of this policy is to deal with harassment and bullying of students? If the policy is about protecting students, the language and violations and procedures should stick to that subject. There is a lot in this policy which in my opinion has nothing to do with protecting students from harassment.</p> <p>h. Which school policies? This should be defined.</p>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	<p>The specific definition of terms for violations is restrictive. A more global view which allows for principal discretion should be presented. No list can ever be comprehensive so interpretation should be encouraged.</p> <p>6.1 Grooming - What is disruptive or indecent dress and by whose standards? Can a dress code be implemented? Is a dress code permitted by law?</p> <p>6.1.2 School Responses to Violations - O. In-School Suspension Funding needs to be provided to counties to establish in-school suspension rooms and staff to monitor the students.</p> <p>6.1.3 Gang Activity - This should be a Level III violation rather than a Level II violation.</p>		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	<p>*This policy classifies student violations of the Student Code of Conduct...*</p> <p>At this point Policy 4373 launches into 8 pages of definitions of violations to some imagined student code</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	<p><b>\$126-99-6. Violations of the Student Code of Conduct. (con't.)</b></p> <p>of conduct. I say imagined because I find nothing in Policy 4373 that articulates the positive high expectations we hold for all the students of West Virginia. There is no student code of conduct in this policy—only a list of “violations”. Policy 4373, as written, is a state-wide discipline policy - period.</p> <p>As to the specific violations themselves, I'm sure you will get many comments on the categorization and apparent inconsistencies in and across levels. I'll leave the specifics to other commenters, but what is the difference between “Disobeying a teacher” (Level III), and “Insubordination/Unruly Conduct” (Level I)? Is smoking (Level I, although illegal in WV) really less serious than pitching pennies (Level II)?</p>		
5-28-02	Nancy Updegrave Elementary School Principal	<p>I feel the students rights should always be protected when any disciplinary action needs to be taken. The issue of being sure the decisions of capricious and arbitrary nature not be administered... This said... As an elementary school principal, there are several violations committed by students that require immediate attention... fights, bullying, disrespect, violent outburst (both to self and others). Discipline should never be without following rights and procedures... but believe me there are many times when immediate action by a school (administrator) needs to be taken... this is for the safeguards of the other students and/or staff. Please be careful when wording this policy that the hands of administrators are tied by the various safeguards for student rights are being protected. We have dangerous students and that is the truth!</p>		
5/28/02	Kevin McCoy, President WV Family Foundation	<p>Would you please explain to me why Policy 2421 is needed if Student Code of Conduct-4373 is adopted? It seems to me it's redundant. More importantly, policy 4373 was the direct result of legislation (HB-3023) which passed in the 2001 legislative session. I reviewed WV Code §18-2-5, 18-2-5a, and 18-2-7b upon which Policy</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Kevin McCoy, President WV Family Foundation	<p>§126-99-6. Violations of the Student Code of Conduct. (con't.)</p> <p>2421 is premised and have found absolutely no language therein that authorizes such a policy. Absent thereof, I find policy 2421 completely without any legislative mandate to justify its existence and should therefore be terminated immediately. The policy appears to be well written and covers the expectations of both the WV State Legislature and the WV State School Board, wherein they learn in an environment free from harassment and other form of unacceptable behavior. The policy is very clear and precise as to what behavior that is not acceptable and to include the consequences of such behavior and violation to the policy. I am particularly pleased that item 6.1.3a Bullying/Harassment/Intimidation is absent of classification or groups of people as this would be extremely divisive. In addition, this would have lead to a never-ending list of classification in an effort to ensure all students are protected from this kind of damaging behavior. This section of the policy is clear that there is "zero tolerance" for all forms of this type of behavior. Those involved in developing this policy should be highly commended. I strongly urge the WV State School Board to adopt this policy as written.</p>		
5/28/02	Paula Sanders Braxton County Schools	<p>Add "parent guardian." Add "students may be involved." Change to Child Protective Services.</p>		
5/28/02	Deborah Akers Superintendent Mercer County Schools	<p>Actions are too prescriptive. You have not allowed the professional to use their judgement of the situation. If a student has violated the Code of Conduct under Level I violations several times, the punishment may need to be more severe than the policy allows. This policy will lead to more discipline problems within our schools.</p>		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/23/02	Paula Sanders Braxton County Schools	7.5 - Again - please define what disorderly conduct and interfering with educational process consists of. Interpretation can actually cause harassment and bullying by adults in charge. We see this regularly with untrained adults in control of children who may be willful or outspoken, often quite bright, but not necessarily disorderly and also, not necessarily having anything to do with threatening, bullying or harassing others.		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	This section appears to be aligned with W.Va. Code 18A-5-1 and 18a-5-1a.		
5/24/02	Larry Stinn Principal Pleasant Hill School Grantsville WV	I believe, especially for elementary students that "the length of the suspension should be short." I rarely suspend out of school and hardly ever for more than one day. Punishment doesn't work. Teaching children appropriate behavior does. It develops self-discipline and a safe, orderly environment. Behaviors that are dangerous, threatening, etc. are an exception. Suspension is needed here.		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	This section is a good articulation of what we already have in school discipline case law and WV Code 18A-5-1a.		
		<b>§126-99-8. Complaint Procedures.</b>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	The requirement of written responses to every incident will incur massive amounts of time that will interfere with the operation of the school. Timelines for investigations will be very difficult to meet. The common sense of principals should be relied upon more than prescriptive policies.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/28/02	Deborah Akers Superintendent Mercer County Schools	Complaint procedures are unclear. Do these apply to all disciplinary problems. If so, the paperwork will consume all of us.		
		<b>§126-99-8. Complaint Procedures. (cont.)</b>		
5/8/02	David B. Weekley Director, Student Support Services Richie County Schools	<b>§126-99-9. Investigation Procedures</b> All violations require a n investigation. This investigation requires the individual, witnesses and inviting the parent. Disobeying a teacher is a violation as is disorderly conduct. Schools will be spending all of their time doing investigations.		
5/15/02	Susanna Villers Wetzel County Schools	It is not realistic that parents will be contacted when any student is interviewed for all of the offense outlined in this policy. Many of the less serious offenses could be handled without prior parental notification. Perhaps that procedure could be reserved for more serious offenses.		
5/16/02	Dianna Buchman Principal Ceredo, WV 25507	The section requiring parents to be contacted and invited to be present during investigation makes the process cumbersome at Level I and possibly Level II. At the elementary level we need to investigate and resolve issues quickly so that students remember the problem. To contact parents at Level I would slow down the process greatly. Also, the more individuals involved in the investigation the greater the possibility of a breach of confidentiality. (Parents talk).		
5/20/02	Willma Dale Principal Marlinton Elem. School	I'm very concerned administratively about Section 9.2 with the last sentence which I've underlined - <u>When any student is to be interviewed in connection with an investigation pursuant to this policy, efforts shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview.</u> Principals do not have enough time in the day to complete all the tasks which they currently have. Adding this sentence would make this nearly impossible to complete the investigations in a timely fashion. I feel this sentence should be deleted.		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/20/02	Holly Ashby MA EISE Preschool Special Ed. Mannington, WV	<b>§126-99-9. Investigation Procedures (con't.)</b>  Number 2: which reads Investigation must, at a minimum, consist of a personal interview with complainant, the individual against the complaint was made, others who may have knowledge of the alleged incident, and other methods and review circumstances deemed pertinent. When any student is interviewed, efforts shall be made to contact student's parent/guardian and invite them to be present during the interview. According to your proposed policy, before I would intervene with preschoolers pushing each other, then I must contact their parent/guardian before verbally reprimanding them and telling them to stop and keep their hands to themselves. What are the Boards support services they have in place to assist administration and professionals in follow through of this proposed policy?		
5/22/02	Charlotte Hutchens Raleigh County Schools	Completing investigation within a week may be impossible to accomplish. Confidentiality will be extremely difficult to maintain. Reporting results of investigation would cause additional problems. (conflict among families, students, etc.).		
5/23/02	Paula Sanders Braxton County Schools	9.8 - Last sentence - disciplinary action against whom? It is implied that the disciplinary action may be against students, but teachers and administrators should not be allowed to discuss children openly. Confidentiality is not routinely respected in school systems. There does not seem to be any repercussions for teachers who breach confidentiality.		
5/24/02	Danny Brown Principal Clay Elementary School	9.2 - Requiring investigators to call parents prior to interviewing students and inviting them to be present during the interview is not realistic. This will cause discipline to grind to a halt. Investigators do not have the time to call each individual parent and arrange a time for them to be present. During a busy day, 15-20 students or more may be disciplined, and each of these cases could require multiple interviews. This is a cumbersome and time-consuming policy that would be		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/24/02	Danny Brown Principal Clay Elementary School	<p>detrimental to student conduct, safety, and an efficient and orderly learning environment.</p> <p>9.7 - Parents of students who are disciplined are notified of the offense and the actions taken. To require parents of all students involved to be notified, even if the charges could not be substantiated, is not necessary. It would be time-consuming and serve no useful purpose. Principals do not need additional paperwork.</p>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	<p>County board investigations should be informal to the maximum extent possible. Only in cases where informal resolution is not possible should steps toward a formal investigation be undertaken. Requirements for parental contacts and written reports in every investigation is excessive, unrealistic and unnecessary in many cases, especially at Level and Level I. Section 9.4 and 9.5 gives the principal appropriate latitude. Perhaps, this section is all that is necessary. The rest of 126-99-9 is overly specific and burdensome.</p>		
5/24/02	Larry Stinn Principal Pleasant Hill School Grantsville WV	<p>These investigation and reporting procedures are unrealistic for Level I &amp; II violations and some you list as Level III. Go back to the drawing boards. Gather principals and teachers from schools with excellent environments. Ask them for procedures that are realistic and effective.</p>		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	<p>9.1 "immediately undertake... an investigation"</p> <p>Never, never, never, use words like "never" (oops), "immediately", "every", "always" and "all" in policy requirements unless you are immediately and always ready for every risk that some smart dude will get away with it all. In other words, why give the truly bad guys opportunity argue whether you "immediately" did something or not when you could "promptly" do it instead.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	<p>More seriously, although most of our teachers are excellent managers of their classrooms – some are not. This section of 4373 allows weak or lazy teachers to abdicate their responsibilities for handling some of the most common discipline incidents such as tardiness, talking back, refusing to work, etc. I can hear Miss "no rapport with kids" now demanding of beleaguered principals, "Policy 4373 says I am to report it to you and you are to handle it. By the way I want a written report of your investigation results as required by policy." 9.2 You guys were just kidding about the last sentence in number 9.2, right?</p> <p>Hello, Dr. Johnson, sorry to bother you in the operating room, but Mrs. Johnson was unavailable. Mike was tardy to third period class and I need to know if you want to come over to the school when I talk to him. No? Oh sorry. It's just policy sir. Gee-- I didn't know that was anatomically possible. Besides being logistically near impossible, principals know when to include or not include mom or dad in disciplinary conversations. There are times I absolutely don't want mom or dad there. I once had a middle school girl bring X-Lax laced cookies to school with her to get back at her friends for a perceived wrong – mom made them for her! Further, what if I don't invite mom or dad to some initial thing that appears trivial, yet it turns out to be very serious. Perhaps in not following the policy strictly I have given an additional point of argument to the wrong argument to the wrong team.</p> <p>9.6 and 9.7 Principals are certainly going to be relieved that no one expects them to be instructional leaders anymore – too many important 4373 reports to write to fool with teaching and learning. Who are these mythical people principals are going to assign investigating and reporting duties to?</p> <p>9.7 Uh, pardon me but about half of the time it is none of the complainant's business what the result of the investigation is. Complainant: "Dr. Butler, I saw Susie skipping 3<sup>rd</sup> period and I think she went into the girl's restroom to smoke."</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	<b>\$126-99-9. Investigation Procedures (cont.)</b>  4373 Report: After calling Susie's mom in from work to be present, I learned that the school nurse had sent Susie to the restroom with the necessary item to take care of her "problem."		
5/24/02	Charles K. Heinlein Principal St. Marys High School St. Marys, WV	If all Level 1 violations through Level 4 require parental contact it will create and unmanageable system. Example: for distracting class (disruption of educational process: (normally a small issue here) results in detention. Therefore all detentions that involve talking to kids require parental permission or attendance at meeting. Then a written report. Then a response to the guardian. If all infractions of the Student Code of Conduct require this very few infractions will be able to be processed. Many administrators needed to just do this. Check the WV/EIS system for disciplinary reports by school or have schools submit totals of detentions, suspensions, etc. to see what you are asking. This is absolutely ridiculous probably written by someone who has never investigated a spit-ball or doesn't have the guts to practice administration where the <u>junk</u> written in Charleston is implemented. <u>Come here and apply this procedure for a week and I'll laugh at you on Friday!!!</u>		
5/28/02	Candace Reed	My concern with this investigation process is that it will completely stop the education process in regard to learning. Most disruptive behaviors (Level 1) can and should be dealt with quickly. A word from the teacher is all that is needed. If a teacher or principal must spend time contacting parents, conducting personal interviews, and filing reports for every day disciplinary circumstances, there will be no time left for education. Children, by nature, tend to be unruly at times. Part of education and the public school system is to teach children to participate individually in society. They must learn to interact with others without the constant supervision of parents. They need to learn to be autonomous individuals so they will be successful in life after they leave their parents' home.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
		<b>§126-99-9. Investigation Procedures (cont.)</b>		
5/28/02	Candace Reed	<p>As a teacher, I am usually able to deal with disruptive situations with a sense of humor or a stern word, depending on the nature of the problem. The principal, parents, lawyers, etc. do not need to be involved in every day communication between students, their peers, teachers and other staff members. A lengthy investigation in small matters will only turn insignificant incidents into overblown problems.</p> <p>Teachers have learned from research and in education classes that disruptive situations need to be dealt with and resolved quickly. Consequences for offensive behavior need to occur as soon as possible so that correction will be effective. The length of time it would take to notify all parents and parties that might be involved in a minor incident, conduct interviews, and file reports would be ridiculous.</p> <p>Only serious, or recurring discipline problems need to be investigated in the manner proposed in this document.</p>		
5/28/02	Bernard L. Shackelford Hundred High School Wetzel County	<p>I feel there are certain areas of Policy 4373 that need to be revised.</p> <p>This section will grind the school system to a halt. The time involved to deal with an investigation for every little violation will decrease instruction time. Item #2 under investigation is particularly offensive to me as a teacher. The very procedures outlined impugn my honesty and integrity as an instructor. Requiring the parents to be present when a student is interviewed will result in the incident being drawn out for days.</p>		
5/28/02	Thomas L. Snodgrass Science Teacher Hundred High School Wetzel County	<p>As a future administrator and current teacher, I feel that to investigate every complaint as stated in this policy is going to take entirely too much time and therefore reduce the actual classroom teaching time. Teachers are professionals and should not have to be investigated</p>		
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Date	Individual/Organization	Comments	Action/ Type	Rationale
5/28/02	Thomas L. Snodgrass Science Teacher Hundred High School Wetzel County	§126-99-9. Investigation Procedures (cont.)  every time a violation has occurred. An administrator's time is very important and should not be filled up with jobs already completed by another professional. Secondly, adding the title of "dangerous school" to schools that have habitual level I violations or other level II violations does not make a school dangerous.		
5/28/02	The Carter's Teacher Clay Elementary	Many of our parents do not have a phone. Many of them work. If we or the administrator have to set up meetings with parents over minor infractions, we will not have time to educate the children. We also would not get the true story of the incident if we have to contact the parents of everyone involved and if there is a delay in getting the details. We would like to spend our time in the classroom educating the children instead of spending all our time on disciplining a few children. Please consider this section of the code.		
5/28/02	Candace Reed Teacher	My concern with this investigation process is that it will completely stop the education process in regard to learning. Most disruptive behaviors (Level I) can and should be dealt with quickly. A word from the teacher is all that is needed. If a teacher or principal must spend time contacting parents, conducting personal interviews, and filing reports for everyday disciplinary circumstances, there will be no time left for education. Children, by nature, tend to be unruly at times. Part of education and the public school system is to teach children to participate individually in society. They must learn to interact with others without the constant supervision of parents. They need to learn to be autonomous individuals so they will be successful in life after they leave their parents' home. As a teacher, I am usually able to deal with disruptive situations with a sense of humor or a stern word, depending on the nature of the problem. The principal, parents, lawyers, etc. do not need to be involved in everyday communication between students, their peers, teachers,		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/28/02	Candace Reed Teacher	<p>§126-99-9. Investigation Procedures (cont.)</p> <p>and other staff members. A lengthy investigation in small matters will only turn insignificant incidents into overblown problems. Teachers have learned from research and in education classes that disruptive situations need to be dealt with and resolved quickly. Consequences for offensive behavior need to occur as soon as possible so that correction will be effective. The length of time it would take to notify all parents and parties that might be involved in a minor incident, conduct interviews, and file reports would be ridiculous. Only serious, or recurring discipline problems need to be investigated in the manner proposed in this document.</p>		
5/28/02	Carla Taylor Teacher Cathoun Middle School	<p>It is hard enough to get in touch with parents, but to have to wait until a parent is contacted to start the interview is ridiculous. For them to be present is even worse. If students need to be interviewed it should be unrestricted by parent influence.</p>		
5/28/02	Paula Sanders Braxton County Schools	<p>Add "notification by three mailings, the third being certified mail, if no response to the previous two interview requests."</p>		
5/28/02	Susan Hundley Third Grade Teacher Clay Elementary School	<p>Overall, I think it is a much needed policy and most of the policy is acceptable. However, section 126-99-9, particularly paragraphs 9.2, 9.6, and 9.7 are unacceptable.</p> <p>In paragraph 9.2, it states that a parent or guardian of a student, who is to be interviewed, must be invited to be present during the interview. This is not practical, especially when a Level I incident has occurred. Many parents work and cannot leave to listen to a five minute (or less) interview. Parents would be upset if they took time to come in, only to find out that their child did not have anything constructive to contribute to the investigation. I, as a teacher, do not have time to call or meet with parents concerning every minor incident that occurs at school.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Susan Hundley Third Grade Teacher Clay Elementary School	<p><b>\$126-99-9. Investigation Procedures (cont.)</b></p> <p>Paragraph 9.6 states that an investigation will be completed as soon as possible but no later than one week following the reported violation. If a meeting must be held with the parent/guardian of every child involved in the investigation, most investigations could not be completed in one week. Parents may not be able to leave work on short notice and I can only meet with them during my thirty minute planning period per day. This paragraph also states that a written report must be submitted to the principal upon completion of an investigation. This is silly for a Level I violation that would only require a verbal notification for the principals's benefit.</p> <p>Paragraph 9.7 requires a report in writing to the complainant and his/her parent/guardian. This is another waste of time for a Level I violation. Parents trust us to handle minor incidents. They are too busy to be concerned with trivial issues that can be resolved within the school setting. Thank you for taking the time to read this and I hope this policy can be amended in order to resolve minor violations in a timely manner.</p>		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	<p>Why would any school administrator want to invite a parent/custodian/guardian to be present during an interview of a student who had been tardy to class? If an administrator did want to interview a tardy student, such an interview could reasonably be conducted in the office when the student appeared for an admit slip not within the next week or so when the parent/custodian/guardian might be able to come to the school. Unintended consequences of following the policy as written need to be seriously considered. Perhaps more harm than good could result from some of these procedures.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Linda McKinney	<p><b>§126-99-9. Investigation Procedures (cont.)</b></p> <p>9.1 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 §126-99-8, above.9.2 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 this policy, efforts shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview.</p> <p>9.3 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.</p> <p>9.4 The principal shall determine whether the alleged conduct constitutes a violation of this policy or W.Va. Code §18A-5-1a.</p> <p>9.5. 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 past 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.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>§126-99-9. Investigation Procedures (cont.)</b>		
5/28/02	Linda McKinney	<p>9.6 The investigation will be completed as soon as practicable but no later than one week following the reported violation. The investigator shall make a written report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. County procedures must be developed to determine which reports are then submitted to the county superintendent and/or county board of education.</p> <p>9.7 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.</p> <p>9.8 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.</p>		
		<b>§126-99-9. Investigation Procedures (cont.)</b>		
5/28/02	Kimberly Edgell	Investigation procedures should only apply to levels III and IV. It is absurd to do investigations on any minor offense. This procedure will also take away instructional time as all there will be time for documenting minor offenses. The process will encourage teachers not to report as their word will be questioned each and every time. Parent conferences for offenses other than levels III and IV are not practical. Many of our parents in the area that I work in work full time or are economically at lower levels and do not have transportation or telephones. The conferences would also delay the punishment giving more power to the student.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/8/02	David B. Weekley Director, Student Support Services Ritchie County Schools	<b>\$126-99-10. Agency Action and Reporting.</b>  The WVPE is to be notified concerning all substantiated reports of violations. Again, this includes insubordination, disobeying a teacher and truancy. Overwhelming!		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	10.3 9:01 a.m. Dear Dr. Stewart - 2 students tardy to homeroom 9:02 a.m. Dear Dr. Stewart - student spilled milk in café - said "damn" 9:04 a.m. Dear Dr. Stewart - student forgot book - teacher says insubordinate 9:04 a.m. Dear Dr. Stewart - 2 students kissed (right on the lips) in hallway 9:04 a.m. Dear Dr. Stewart - student vehicle discovered in teacher's lot 9:05 a.m. Dear Dr. Stewart - student with too short skirt 9:07 a.m. Dear Dr. Stewart - student bought Lions Club chance on 4-wheeler		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	9:07 a.m. Dear Dr. Stewart - student office aid uttered profanity when he saw the office all cluttered with parents waiting to be interviewed with their children 9:08 a.m. Dear Dr. Stewart - etc. etc. etc.		
5/16/02	Dianna Buchman Principal Ceredo, WV 25507	This section requires too many reports to be written and filed. If all Level I violations (as I interrupt the policy) must have a written report filed, the local level as well as the state level will be covered in paperwork. If a report has to be filed every time I reprimand a student or place them in detention I will get little else done. Currently, many of us do a thorough job of documenting, reporting to parents, and filling out the necessary reports. Discipline is not my only job. If the reporting is for all levels of student conduct, I will get nothing else done in the day.		
5/20/02  Page 39	Jimmy Wyatt Principal Tyler Consolidated High	More paper work! The time element for this would be astronomical. I resent having to report to "big brother" in Charleston on these issues. We already have great discipline and student conduct.		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>§126-99-10. Agency Action and Reporting. (con't.)</b>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	Is this the routine WVDEIS entry? If it is, this is an acceptable procedure. If not, it is a duplication of unnecessary efforts.		
5/28/02	Carla Taylor Teacher Calhoun Middle School	I see a need to report violations of the code but only find it necessary to report upper level (3 and 4) violations. Obviously, someone doesn't have enough to do already and they need more data to process.		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	Why does the Department of Education want to know of some of these violations? Such behaviors as cheating, talking, improper car parking, kissing, wearing an indecent item of clothing (whatever that might be), refusing to open a book or work with another student, leaving the cafeteria without permission, being late for class, etc. are all matters that should be addressed at the school level. Keeping track of such student		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	behaviors at the state level appears to have no useful purpose. What would the WVDE do with reports of such behaviors?		
5/28/02	Linda McKinney	10.1. 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.		
5/28/02	Deborah Akers Superintendent Mercer County Schools	Too much reporting, too much paperwork.		
		<b>§126-99-11. Reprisal.</b>		
5/20/02	Jimmy Wyatt Principal Tyler Consolidated High	Another policy which is going to be difficult if not impossible to enforce – plus we do not need it in Tyler County - our system works well.		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	Separate last sentence of 11.1 into subsection 11.2		

Date	Individual/Organization	Comments	Action/ Type	Rationale
		<b>§126-99-12. Right to Alternative Complaint Procedures.</b>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	This section for filing complaints is appropriate.		
		<b>§126-99-13. Dissemination of Policy and Training.</b>		
5/8/02	David B. Weekley Director, Student Support Services Ritchie County Schools	Counties have enough trouble getting Free and Reduced lunch forms returned. We are supposed to annually get contracts signed. Unrealistic!		
5/16/02	Dianna Buchman Principal Ceredo, WV 25507	What happens if parents refuse to sign the behavior contract? Some will not even look at it and it will not be returned signed.		
5/22/02	Charlotte Hutchens Raleigh County Schools	What happens if parent and/or student refuse to sign contract?		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	What is the response if a student or guardian refuses to sign a contract agreeing to abide by the stipulation and consequences associated with violations?		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	I'm glad to see at the end of the policy that the dissemination of policy 4373 can occur at no cost - as can the training.  13.3 Each student and his parent/guardian will be required to sign a contract ...  <b>OR ELSE!</b> Or else what? Great - principals can either kiss this whole contract thing goodbye or go out and begin every school year on a pathetic mission of requiring parents and students to sign the #*&?@ contract. Nothing like starting the year out on a positive note. (By the way, students and parents won't even return free/reduced lunch forms that save them hundreds of dollars.)		

Date	Individual/Organization	Comments	Action/Type	Rationale
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	Printing such a technical document in a student handbook may well produce little effect. Additionally, a 15 page state policy makes for a very lengthy student handbook. Students, like adults, are more likely to read a brief document rather than one that is a volume. As adults, we ask for executive summaries of very long documents. Perhaps an executive summary of this document would more likely be read by a majority of the people involved? I am not convinced that "requiring" each student and his/her parent/guardian to sign as contract re. this policy will result in a signed agreement. Schools are forever struggling to get some parents to sign applications for free and reduced lunches, contracts for student behavior, IEPs, permission slips for activities, etc.		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	<b>§126-99-13. Dissemination of Policy and Training. (cont.)</b>		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	This will be no different for some parents. We are in a position to require the school to send such a contract home, but I do not believe we are in a position to require the parent/guardian to sign such a document.		
5/16/02	Dianna Buchman Principal Ceredo, WV 25507	<b>§126-99-14. Assessment of Effectiveness.</b>		
5/16/02	Dianna Buchman Principal Ceredo, WV 25507	What is the criteria for determining the rate of violations? What allowances will be made for schools that are lax in reporting violations. These schools will look more effective than those of us who are meticulous in reporting what we are asked to report.		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	This section is consistent with current practices for submitting reports to the West Virginia Board of Education.		
5/28/02	Karen Larry Adm. Asst. to Supt. WVDE	What is the measure of effectiveness? A listing of incidences, actions taken, and training conducted does not address the effectiveness of the policy. Such a listing is merely a numerical account of events. What is the intended outcome of this policy?		

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/1/02	Brenda Tanner Principal Cabell County Alt. School	<p><b>§126-99-15. Assessment and Classification as a Persistently Dangerous School.</b></p> <p>No wonder WV can not find/keep teachers and particularly administrators!!! We are "judged" on test scores and attendance and now behavior???!!! This is terrible, whoever came up with this idea must not have been working with middle and high school aged students for 10 years. We are dealing with many students who have nor show any respect for anyone who is in authority. Regardless of what the students do (in or out of school) there are not many consequences and never seem to have to be accountable for their actions. We are already seeing many people taking their children and fleeing the public school system, mainly because of the lack of discipline which takes away academic instruction from the students who come</p>		
5/1/02	Brenda Tanner Principal Cabell County Alt. School	<p>to school and do what they are supposed to. The infractions and the use of the level system is good—but if we go by those and use the consequences then we may be called a "Persistently Dangerous School"???—HOGWASH! Again we will be placed in a no-win situation.</p>		
5/15/02	Susanna Villers Wetzel County Schools	I hope data will be gathered through WVEIS		
5/20/02	Jimmy Wyatt Principal Tyler Consolidated High	Surely whoever edited this document doesn't think that a school is going to report and put itself as a "dangerous school." It won't happen!		
5/22/02	Charlotte Hutchens Raleigh County Schools	This entire section concerns me. Labeling a school as persistently dangerous is a bad move. What kind of assistance would be provided? If a county only has only one high school, what would be the implications for providing an alternate school? How long does a school carry the persistently dangerous label? Under what conditions is the label removed?		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<b>\$126-99-15. Assessment and Classification as a Persistently Dangerous School. (cont.)</b>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	If a school is to be labeled Persistently Dangerous, then the percentages should refer only to Level III and Level IV. The rate of percentage violations is arbitrary and unclear. 60% or 70% of what? How is accurate reporting assured? what positive outcomes will result from the classification of schools.		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	Our current reporting procedures require us to report the most serious offences to the State Board. I don't think the Board really wants to know how many incidents we have where students disobey a teacher. I'm sure the feds don't.  15.1 [Stolen notes from beginning of the year administrators meetings, August 2003.] Superintendent speaking: "Okay men, this is baseline year – make sure that every incident close to Level II through IV are reported to WVDE at least once. Share incidents if you don't have enough of your own. That's the good thing about an arbitrary baseline – we get to define it."  15.4 I have a couple of questions on this. What if you're the only high school in the county? Who provides transportation?		
5/24/02	Dr. Richard N. Butler Superintendent Ritchie County Schools	What about personnel laws if lots of kids elect to leave? What if it's the kids who caused the school to be "persistently dangerous" that want to go to a safer school? Who determines that someone was "a victim of a violent criminal offense"? Does that not require a jury verdict in our country?		
5/28/02	Bernard L. Shackelford Hundred High School Wetzel County	Using all violations from level II, III, and IV to deem a school as dangerous is unfair. Not all violations on the levels II, III and IV are items which create a dangerous situation.  A distinction between informal and formal hearings needs to be made clearer.		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<p><b>§126-99-15. Assessment and Classification as a Persistently Dangerous School. (con't.)</b></p>		
5/28/02	<p>Carla Taylor Teacher Cathoun Middle School</p>	<p>Classification as a Persistently Dangerous School. 15.4. If a student be allowed to attend an alternate safe public school they should provide their own transportation at no cost to the school system they would be leaving!</p>		
5/28/02	<p>Kathleen M. Loretta Comp. Sch. Health Supv. Harrison County Schools</p>	<p>Please consider counting only level 3 &amp; 4 violations when defining a persistently dangerous school. Please look at large vs. small schools when applying this policy to % rates. It would also be good to give schools a chance to bring those rates down on their own in a 3 year tiered manner.</p>		
5/28/02	<p>Nancy Harry Safe &amp; Drug Free Schools Coordinator Marion County Schools</p>	<p>Classification as a persistently dangerous school: Level IV violations which result in possible expulsion from school should be used to determine persistently dangerous schools because these violations are the serious incidences that are in code. Violations listed as Level III that are in code and may result in expulsion should become Level IV violations and be measured. Using Level II, III and IV violations provides too many indicators for the WVDDE to collect and analyze.</p> <p>15.2 &amp; 15.3: It is not clear what the 60% and 75% is or how it is calculated. Any calculation must take into consideration the size of a school. The number of expulsions for a Level violation would be a better measurement and would fall in line with what other states are currently using. A suggestion of measurement for a school of fewer than 300 students would require that three expulsions over a three-year period of time would label a school as being persistently dangerous. A larger school would be labeled as such if one expulsion for every 100 enrolled students or fraction thereof occurs over a three-year period of time.</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
		<p><b>\$126-99-15. Assessment and Classification as a Persistently Dangerous School. (con't.)</b></p>		
5/28/02	Kimberly Edgell	<p>Designating schools as Persistently Dangerous Schools need to be more well defined. Smaller schools with few students who are disciplines at a higher rate for repeat offenses that are not necessarily violent will up the percentage rates and skew the results. After the designation, this will cost the counties and state money which could be better spent elsewhere. It is also difficult enough to hire teachers and keep them.. A school designated as such would be at a disadvantage when looking for qualified personnel.</p>		
		<p><b>\$126-99-16. Prevention and Intervention Training.</b></p>		
5/16/02	Dianna Buchman Principal Ceredo, WV 25507	<p>We no longer have full day Faculty Senate Day release time to provide training for teachers. When are we going to provide this training for teachers?</p>		
5/24/02	Lawrence M. Miller Superintendent Ohio County Schools	<p>Training on this policy would be imperative. Perhaps, additional funds could be provided to assist in offering quality programs. WVDE, RESAS and LEAs do not always possess the expertise necessary to offer training related to violence prevention, substance abuse prevention and other programs on behavior management.</p>		
5/24/02	Melrose Elem. School Princeton, WV	<p>I feel it should be mandatory that each student who is a high-risk student for violence, classroom interruptions must have counseling sessions with the guidance counselor at their school.</p> <p>We feel each school should have a full-time guidance counselor to handle a situation when the incidence occurs, not allowing for a time to elapse.</p> <p>We feel the paperwork, etc. takes instructional time away from the students.</p>		

**POLICY 4373: STUDENT CODE OF CONDUCT  
COMMENT LOG  
April 27 2002- May 27, 2002**

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

Date	Individual/Organization	Comments	Action/ Type	Rationale
5/30/02	Mark Fawcett	<p>\$126-99-1. General.</p> <p>Principals should not be required to invite parents to come in for a conference when they need to talk with a student in violation of the code. Many parents are not available during the school day and this will delay the consequences of misbehavior at all levels. Notifying the parents after the fact is appropriate, but even that is difficult in many cases.</p>		
5/30/02	Traci Welch	<p>I was recently made aware of a new law that goes into effect regarding the bullies in school. I was told that both parties including parents and witnesses are to be there when the accused is brought in front of the principal. My question is this - Have you people lost all parts of your senses? That is the most ludicrous thing I have heard yet. Where in this world do you get off pulling a stupid trick like this?? Have you not realized that bullies are mostly liars and usually come from families who on the most part do not care about other people and will lie for their children?? What about the parents whose children do no wrong in their eyes and refuse to accept that their child is a bully or a troublemaker?? I have listened to conversations in which girls were calling my daughter and saying things that never should be said even by an adult. When the mother was contacted she reacted with vengeance.</p>		

		<p><b>§126-99-1. General (con't.)</b></p>	
<p>5/30/02</p>	<p>Traci Welch</p>	<p>How dare anyone accuse her angel of anything. The school was no help. The girl was smart enough to do things only in the presence of her friends who would lie for her. So therefore I am faced with a child who does not like to go to school. Where does my daughter's rights come in that she can go to school and not be bothered?? No, because of liberal decisions like our state school board makes the trouble makers are the ones with all the rights. So now, when someone bothers my children I am giving them permission to knock the crap out of the lowlife that you are protecting with your laws. No, they will not be kicked out of school. They have the right to defend themselves since the schools will not do it. You may as well be prepared for an increase in fights because I am sure that more parents will pull the plug on saying "don't fight, go to the office for help". Especially since the office can no longer help the children. Furthermore, be prepared for lawsuits because of laws like these that allow the troublemakers and the bullies To run the schools. I will not have my child upset because you apparently are not capable of making decisions that will protect her. You are taking away the rights of teachers and principals to discipline the ones who need it. The two biggest mistakes ever made were taking prayer out of school and taking the paddling out of school. Our systems keeps protecting the ones who need to have discipline and who do not care about the other people. DO SOMETHING!! the parents who don't give a damn and who place everything else in front of their children are the ones who come out ahead in this stupid law. Yes, bullies need help. In most cases, they need someone who can give them guidance and show them that it is wrong to torture others. But you are showing them with this law that they can do it and lie and walk away to do it again. If a child cannot defend themselves and you allow liars and bullies to get away with it, then be prepared to have extremely good lawyers. I will take you as far as the court system will go</p>	

		<p><b>§126-99-1. General (con't.)</b></p>		
<p>5/30/02</p>	<p>Traci Welch</p>		<p>to protect my children and any child that has to suffer because of the inexcusable laws passed by supposedly educated people like yourselves. Further, you now allow kids to attend field trips even though they are always in trouble?? What about the rights of the children who want to learn but are disrupted by the trouble makers? You are giving all the rights to children who could not care less and who will most often be the ones to fill the prisons but to the ones who try you are shoving aside. If you have to let them go then make a parent go with them and make the parent responsible for the actions of the child. It is way past time for parents to take responsibility for their children. You are not helping by protecting the ones who are the problem. This is another perfect example of how we are turning our backs on what is right. You need to thank the good Lord above that your positions are not elected ones. Otherwise, the state school board members would not have jobs.</p>	
<p>5/30/02</p>	<p>Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>Prevention of tobacco use and alcohol abuse should also be included in 1.1.</p> <p>This revised policy has many good features, in particular the detailed breakdown of violations/infractions and consequences that has been provided. However, as I indicated some sections or parts of sections should be deleted or left out. In particular the rating system that can classify a school as a Persistently Dangerous School should not be adopted.</p> <p>The reporting requirements should be re-evaluated because they would increase the administration's and faculty's workload considerably. As stated previously, schools already have a great number of requirements they must fulfill. Adding to this does not help. The WVEIS should be used to collect information and data.</p>		

		<b>§126-99-1. General. (cont.)</b>		
5/30/02	Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High	Since there will be a new list of violations/infractions, the WVEIS infraction codes need to be aligned with this policy.		
		<b>§126-99-2. Purpose</b>		
5/30/02	E. Garza, Jr. Assistant Principal Calhoun Co. Middle/High	2.1, the fourth sentence should be changed to read as follows: These regulations require county boards to design and implement prevention and response programs, to outline appropriate procedures, and to delineate penalties for violations of this policy.		
		<b>§126-99-3. Application.</b>		
		<b>§126-99-4. Planning by County Boards of Education.</b>		
5/30/02	E. Garza, Jr. Assistant Principal Calhoun Co. Middle/High	4.3 The term, "agency," should be replaced with a term that clearly identifies the intended party, such as the school district or school. If left unchanged, the reader could misinterpret or misunderstand the meaning of "agency."  It is unreasonable to require school districts to schools to develop and implement an education program for each grade level. Schools already have numerous requirements to fulfill, and mandating an education program for each grade level would add another heavy requirement. Instead of helping, it could lead to a situation in which the staff would obey, but could not comply. Schools should inform the students of the Student Code of Conduct, consequences for violations, and review all this as necessary. Let the administrators and their staffs figure out how to accomplish all this. We can tell the students of their responsibility and require them to attend school, but without serious consequences, this would have little impact. Those who attend school regularly would continue to do so, and those who do not would not. In many cases, if not most, it is the at-risk students and those from lower socio-economic households that are absent the most. Often, they do not care about unexcused absences, even if their parent/guarding does. Truancy complaints have		

		<p><b>§126-99-4. Planning by County Boards of Education. (con't.)</b></p>		
5/30/02	<p>E. Garza, Jr. Assistant Principal Calthoun Co. Middle/High</p>	<p>helped. However, I have not seen anyone incarcerated for not having the money to pay court fines. Taking students' credits for excessive absenteeism has helped to influence students to attend school. Unfortunately, this will no longer be authorized.</p>		
		<p><b>§126-99-5. Attendance Policy.</b></p>		
		<p><b>§126-99-6. Violations of the Student Code of Conduct.</b></p>		
5/30/02	<p>Mark Fawcett</p>	<p>6.1.1. Level I Violations. a. Anti-Social Conduct - What about faculty and staff of the school?  d. Improper Operation of a Motor Vehicle - This section also needs to address driving in a dangerous manner.  j. Smoking - It should be titled Tobacco if it is going to address rubbing and chewing tobacco as well as smoking tobacco.  i. Technology Abuse. - I think a phrase needs added such as: "or which violates Acceptable Use Policies of the School."  6.1.2. School Responses to Level I Violations - Counseling Programs should NOT be used as a punishment or disciplinary measure. Call them Behavior Management programs or some other name that does not associate punishment with the school counselor.  6.1.5. Level III Violations... consistent with those addressed in W., Va. Code §18A-5-1a(c) - These violations should be spelled out here for clarity as briefly as possible. Not everyone reading this policy will have access to the WV Code to look up this reference.  a. Alcohol - What about students not in possession, but obviously under the influence of alcohol?  d. Students may be expelled pursuant - Expelled students should be excluded from all school activities including alternative education. Then being expelled would have some real consequences. If county boards are required to provide alternative ed to all but "dangerous" students, then there is really no negative consequence for an expelled student. They just get</p>		
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		<p><b>§126-99-6. Violations of the Student Code of Conduct. (cont.)</b></p>		
5/30/02	Mark Fawcett	<p>private tutoring and personalized instruction, not really a "punishment" for many students.</p>		
5/30/02	<p>Mike Offutt Principal Cathoun Co. Middle/High</p>	<p>6.1.8 Code 18A-5-1a that require the mandatory suspension of the student by the principal for school, or....          Having mandatory laws may cause some students to have punishment that does not fit the crime. An example is the recent incident where an honor student is expelled from school because he had two butter knives in his vehicle that were there because of a weekend camping trip. As a result he also lost his college scholarship.          6.1.8 a. ..within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.          Twenty-four hours is not enough time to properly investigate an incident, especially one that is serious enough to expel a student. Making quick judgements will cause improper and life altering decisions about students that given the time to investigate may have different conclusions.          6.1.8 f. A county board that expels a student, and finds the student is a dangerous student, may refuse to provide alternative education...          This I like. I have always been concerned about the safety of students when we are required to place a dangerous student in an education setting. The students are not dangerous in only the school environment, but outside the school as well. My experience with such students shows they exhibit the same behavior in school, at extra curricular events, summer school, summer youth programs, etc.          6.1.8 h. .... with disabilities, nothing in this policy may be construed to be in conflict with the federal provision of the... Just because a student has a IEP should not require us to treat them differently. What if this student was determined to be a "dangerous student" .</p>		

		<p><b>§126-99-6. Violations of the Student Code of Conduct. (cont.)</b></p>		
5/30/02	<p>Karen Brunnicardi Principal Neale Elem. School Vienna, WV</p>	<p>Violations - lists so many things that this is all that a teacher/principal would ever get done--way too inclusive.</p>		
5/30/02	<p>E. Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>6.1.1.f. The second sentence should be changed to read as follows: 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 sexual images or messages or promotes any drug-, alcohol- or tobacco-related product...</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> Students have looked for ways to circumvent or find loopholes in policies. If not clearly stated, some students would wear clothes that have images or messages of a sexual nature, and they, along with some parents, would argue that there is no policy to prohibit such attire.</p> <p>6.1.1.m. The first sentence seems to focus on the time during the normal school day. Text should be added to clearly address unauthorized entry after-school and during non-school days.</p> <p>6.1.2.j. Restitution/restoration could be directed or required, but Policy 4373 needs to provide the school district and/or school with more authority to enforce this.</p> <p>6.1.2.M. This needs to be defined clearer. Does exclusion mean that the teacher must refer the student to the school office to be seen by an administrator for possible disciplinary action? If this is the case, it should be stated as an office referral or recommendation for disciplinary action. Does 6.1.2.M. mean that the teacher may keep the student out of the classroom for the whole class period? If exclusion is for one class period in one school day, what may the teacher do if the student, once seen by an administrator, commits another infraction after he/she returns to the classroom?</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> We need clear guidance on this. There are teachers who believe they may exclude a student from their classroom until the parents/guardian meet with them, which could take</p>		

		<p><b>§126-99-6. Violations of the Student Code of Conduct. (cont.)</b></p>		
5/30/02	<p>E. Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>several days or weeks. Others believe that they can exclude the student for a whole semester or the remainder of the school year. Information I acquired indicates a teacher can exclude a student for part or all of the class period. Yet, other information indicates that exclusion means the student is to be sent to the school office for disciplinary action.</p> <p>6.1.3.b. The response/intervention should be changed to read as follows: Failure to Serve Assigned Detention or In-school Suspension. A student will not fail to serve an assigned detention or in-school suspension of which students and/or parents/guardian have been notified.</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> There have been situations in which some students refused to serve an in-school suspension. Even the parent/guarding was aware of this, although we were able to handle the situation, there should be a provision that clearly establishes the authority for more serious consequences if a student refuses to serve an in-school suspension, not just detention.</p> <p>6.1.5. A provision should be added to address harassment by students against teachers, administrators, and school employees, whether on or off school premises. Also, a provision should be added to address student-to-student sexual harassment and sexual harassment against a school employee by a student.</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> We need to have serious consequences for students who harass school employees on or off campus. School staffs need this if we expect them to enforce rules and policies. The following are very brief summaries of incidents in which teachers were harassed. In a school district in which I previously worked, some students made harassing telephone calls to a teacher at his home, supposedly for something he did while on duty. It was difficult to resolve the problem because the harassment took place</p>		

		<p><b>§126-99-6. Violations of the Student Code of Conduct. (cont.)</b></p>		
<p>5/30/02</p>	<p>Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>off campus. In a different incident in another school system, a male high school student followed in his car a female high school teacher who was driving home on a county or local road after school. The student drove his car very close to the teacher's car and stuck his arm out his car window, making obscene gestures ("flipping her off"). The apparent reason for this was that the teacher had disciplined or recommended disciplinary action against him that day. She felt threatened and asked for help, but it was difficult for the school to help because the incident occurred off campus. Sometimes there is not much law enforcement authorities can do in cases like this either.</p> <p>As for addressing sexual harassment, we need to have a provision that clearly makes sexual harassment a punishable offense.</p> <p>6.1.5.a. The response/intervention should be changed to read as follows: A student will not consume or possess any alcoholic beverage in an educational facility, on school grounds, a school bus or at any school-sponsored function. Also, a student will not consume or distribute for the purpose of consumption any laboratory or medicinal alcohol, such as rubbing alcohol, in its pure form or mixed with any other substance while in an educational facility, on school grounds, a school bus or at any school-sponsored function.</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> The policy should prohibit the consumption of alcoholic beverages in school, on school premises, etc. If it does not state this, students who consume alcohol could avoid consequences. As for my second recommended statement, I handled a case in which a student poured rubbing alcohol in soda pop for students to drink, and the student also allegedly poured it into another student's milk. If anything like this happens again, we should have a provision in the policy that clearly prohibits a student from consuming or distributing</p>		

		<p><b>§126-99-6. Violations of the Student Code of Conduct. (cont.)</b></p>	
<p>5/30/02</p>	<p>E. Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>anything like rubbing alcohol to other students to drink, or the offender could avoid disciplinary action because of a technicality.</p> <p>6.1.5.d. The text should be changed to read as follows: A student will not use profane language directed at a school employee or student. Using profane language may include, but is not limited to, verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school employee or student.</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> If schools are to improve or promote respect for students and have a violence- and harassment-free environment, the policy should clearly prohibit students from using profanity directed at other students.</p> <p>6.1.7. Assault/battery of a student by another student needs to be addressed, also.</p> <p>6.1.7.c. The text should be changed to clearly address possession of a substance that is not yet in consumable or usable form, but would be upon planting and/or processing, such as marijuana seeds.</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> I have learned that law enforcement authorities might not take action in cases involving possession of a small amount of marijuana seeds. The reason for this is that the seeds do not contain the level of illegal substance that the marijuana leaves have. In most cases, there would have to be a considerable amount of marijuana seeds in order for law enforcement authorities to submit a case to a court.</p> <p>6.1.8a. The test should be changed to read: If a student has been suspended pursuant to W. Va. Code §18A-5-1a, the principal shall promptly evaluate the situation, determine if it warrants an expulsion recommendation, and if it does, request that the county superintendent</p>	

		<p><b>§126-99-6. Violations of the Student Code of Conduct. (cont.)</b></p>	
<p>5/30/02</p>	<p>E. Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>recommend to the county board that the student be expelled.</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> The principal needs a reasonable time to do a thorough investigation, even after suspending a student. Prescribing a twenty-four hour deadline would cause the principal to have to make hasty decisions, which could have serious impact on the student(s). Also, other duties may prevent the principal from submitting an expulsion recommendation within twenty-four hours. Additionally, personnel who are important to the investigation may not be readily available, which could delay the expulsion recommendation. It is understood that a Level IV violation needs to be handled with urgency, but no deadline should be set. However, if a time limit must be set, it should be five school days.</p> <p>6.1.8.d. The text should be changed to read as follows: Students may be expelled pursuant to W.Va. Code §18A-5-1a for a period not exceed one calendar 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.V. Code §18A-5-1a(1).</p> <p>6.1.8.f The word "student=s" should be changed to read "student's."</p> <p>6.1.8.g. A dangerous student would not likely change in three months. The re-evaluation of the decision to refuse alternative education should be done during the sixth month of the student's expulsion, since the expulsion would likely be for one year. However, a county board should have the option to conduct the re-evaluation earlier if the expelled student requests it, or if a party requests it on the student's behalf.</p>	

		<p><b>§126-99-7. Guidelines for Suspension and Expulsion.</b></p>	
5/30/02	<p>Mike Orfutt Principal Calhoun Co. Middle/High</p>	<p>7.5 Once a student is excluded from the classroom or bus, the student must be referred to the principal who will take disciplinary action, notify the parent in writing of the disciplinary action taken, provide a copy to the teacher or bus driver before the student is readmitted to class ro the bus.</p> <p>What is the definition of excluded? With this much paper work required the student may remain out of the classroom for several days until all the paper work is complete. 80% of our parents work in a different county and are not available at a moments notice. A simple infraction could take days to solve. With hundreds of things a principal must react to in a single work day this is just another way to tie his hands or cause quick and inaccurate decisions to be made.</p>	
5/30/02	<p>Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>7.5 The last part of the first sentence should be changed to read as follows: ... or uses profane language toward a school employee or student. The second sentence should be changed, and text should be added as follows: Once a student is excluded from the classroom or bus, the student must be referred to the principal, or his designee, who will make a determination on action to be taken. If the student is suspended, the principal or his designee will notify the student's parents/guardian, teachers, and other appropriate personnel. The procedures established by the county board and school for reporting, processing, and taking action on violations of the Student code of Conduct will be followed.</p> <p><b>REASON FOR RECOMMENDED CHANGE:</b> The recommended change for the first sentence would provide authority for a student to be excluded if he/she uses profane language toward a student, not just a school employee.</p> <p>The recommended change for the second sentence and additional text would do away with the requirement for the principal or his designee to take disciplinary action and to notify in writing the parents/guardian of all</p>	

	<p><b>§126-99-7. Guidelines for Suspension and Expulsion. (con't.)</b></p>		
<p>5/30/02</p>	<p>Emilio Garza, Jr. Assistant Principal Cathoun Co. Middle/High</p>	<p>disciplinary action taken. If left unchanged, 7.5 directs that the principal or his designee take disciplinary action, and this should not be mandated. The principal or his designee should analyze the situation and then determine if and what disciplinary action will be taken. There have been many occasions in which teachers were frustrated or too sensitive about a situation, and they referred a student to the office for disciplinary action for a minor infraction or act. Also, teachers' approaches during interventions or corrections have caused students to become confrontational, when this could have been avoided. These students probably came to school upset or were in an emotional state at the time of the intervention.</p> <p>Requiring the principal or his designee to notify the parents/guardian of all disciplinary action taken is unreasonable. Notification should be required for an in-school suspension, an out-of-school suspension, a recommendation for expulsion, or if an investigation is initiated that could lead to disciplinary action, such as alleged sexual harassment. Minor disciplinary action, such as a counseling, verbal reprimand, verbal warning, and short-term detention (exclusion from social time or break) should not require parental notification by the administration, unless it is for repeat offenses. Habitual violation of school or class rules should warrant notifying the parents/guardian. Also, it may be appropriate to notify parents in other situations. A great deal of time is spent on investigations and student discipline. Being required to notify the parents of every action would add a great burden to the school administration, and it could cause a bottleneck situation in communications with parents/guardians.</p> <p>There is no question that parents/guardians should be reasonably informed about their children's behavior in school. The teachers should be required to assist with this by notifying parents/guardians of disciplinary action they take to correct behavior that did not warrant an office referral. Assertive discipline and similar methods</p>	

		<b>§126-99-7. Guidelines for Suspension and Expulsion. (cont.)</b>		
5/30/02	Emilio Garza, Jr. Assistant Principal Cathoun Co. Middle/High	stress that the teacher notify the parents/guardian if the communications with parents/guardians. teacher disciplines the student in the classroom. This would help to keep the parents informed and to reduce the occurrence of a bottleneck situation in communications with parents/guardians.		
		<b>§126-99-8. Complaint Procedures.</b>		
5/30/02	Mike Offutt Principal Cathoun Co. Middle/High	8.1 All violations of the Student Code of Conduct observed by school employees must be reported....  There are several programs like RSP that are designed to take care of small infractions. There is not enough time in the day to report all violations. Many schools have systems where teachers handle all but the most serious incidents. Now the principal is going to handle everything?  8.3 .... appropriate procedures for investigating, reporting, responding, and devising consequences for the failure of the employees to appropriately respond....  Teacher evaluations already address employee short comings.		
5/30/02	Karen Brunnicardi Principal Neale Elem. School Vienna, WV	8.1 This is going to be a tremendous amount of work for someone at each school-who would that be? I assume the principal, and feel that this would add a great deal of work to an already overburdened person.  8.3 "...respond in a manner that promotes understanding and respect." I have always tried to handle concerns in a fair, responsible manner. However, the very nature of disciplining someone's child often doesn't earn accolades from the people involved!		
5/30/02	Emilio Garza, Jr. Assistant Principal Cathoun Co. Middle/High	Depending on the recommendations that are accepted by the WVDE, 8.1 would have to be revised to reflect any changes in the policy and procedures.		

5/30/02	<p>Mike Offutt Principal Calhoun Co. Middle/High</p>	<p><b>\$126-99-9. Investigation Procedures (cont.)</b></p> <p>9.6 ... make a written report to the principal upon completion...</p> <p>We already keep record in WV/EIS, Why duplicate?</p>
5/30/02	<p>Karen Brunnicardi Principal Neale Elem. School Vienna, WV</p>	<p>9.2 This procedure is too time-consuming and unrealistic. During the process of investigating an incident, I may interview 3 or 4 (or more) students in addition to the complainant and the student against whom it was alleged. The statement that "efforts shall be made to contact student's parents" of anyone being interviewed and "invite them to be present" is an impossible task. Parents are working, don't have phones, etc. To think that you had to contact parents by phone, note, whatever would drag every investigation out for an indefinite period of time. Delete the inclusion of parents, guardians, etc.</p> <p>9.6 Putting a time limit on when the investigation is to be completed is also unrealistic. Recommend speedy conclusion, but don't mandate. Principals are responsible for every aspect of school operations - not simply investigations!</p> <p>9.7 Report in writing - What happened to the announcement that paperwork was to be cut down for 2002-03? This is greatly increasing it!</p> <p>9.2 The third sentence should be deleted. Requiring the student's parents/guardian/custodian to be contacted and invited to the interviews in connection with an investigation is unreasonable and impractical. This would be too time consuming for the school, and it would delay the time line of the investigation, possibly for a considerable time if the parent/guardian could not come to the school in a reasonable time. The parent/guardian/custodian should be contacted for assistance if his/her child has information that is needed for an investigation.</p> <p>9.3. Correct "...an alleged..." to read "...an alleged...."</p>
Page 15		

<p>5/30/02</p>	<p>Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p><b>§126-99-9. Investigation Procedures (cont.)</b></p>
<p>9.4. A provision should be added to allow the principal to determine whether the alleged conduct also constitutes a violation of county board or school policies.</p> <p>9.6. The text should be changed to read: The investigation will be completed as soon as practicable but no later than two weeks following the date the incident/violation is reported to the administrator.... SEE REASON FOR RECOMMENDED CHANGE.</p> <p>9.7. SEE REASON FOR RECOMMENDED CHANGE.</p> <p>REASON FOR RECOMMENDED CHANGE FOR 9.6 AND 9.7: Setting a deadline of one week to complete an investigation is too constraining and unreasonable. With some exceptions, the investigations pertaining to severe infractions are going to be done by the administrators, usually the assistant principal and/or dean of students. The administrators do not handle just one case at a time; they have to handle several and sometimes many cases simultaneously. In addition to this, there are other numerous, equally important tasks to accomplish, such as coordinating and conducting IEP meetings, School Assistance Team meetings, and parent conferences; planning and implementing master schedules; responding to students' and parents' inquiries and requests; conducting teacher observations and evaluations; and many more. All the tasks take time, and they have to be done. Other obstacles to the investigation may be witness absences or getting information from agencies. A one-week period is a good goal, but more time should be allotted.</p> <p>If the investigation is conducted by a school administrator/dean, there should be no requirement for a written report to the principal, superintendent, or county board of education. The principal and dean should require written statements from the interviewees if a serious infraction is confirmed. The disciplinary action that is taken and the reason(s) are explained in a letter or other document that is provided to the student's parents/guardian, and a copy of the letter/document is filed in the school. Copies of these documents are</p>		
<p>Page 16</p>		

5/30/02	Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High	\$126-99-9. Investigation Procedures (cont.) usually provided to the superintendent and county board of education if an expulsion is recommended. If a party that is not part of the school or the school district conducts an investigation, that party should submit a written report to the principal and superintendent.			
		<b>\$126-99-10. Agency Action and Reporting.</b>			
5/30/02	Mike Ofutt Principal Calhoun Co. Middle/High	10.3 ...shall immediately file a reports with the WVDE... We already keep records in WVEIS, Why duplicate?			
5/30/02	Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High	10.3 This requirement should be deleted. We have WVEIS to provide data.			
		<b>\$126-99-11. Reprisal.</b>			
5/30/02	Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High	11.1. The third sentence should be changed to read as follows: The agency will develop a discipline process to take appropriate action against any student, administrator or other school personnel who intentionally provides false reports of violations of this policy.  REASON FOR RECOMMENDED CHANGE: School administrators, deans, and staff take action based on the information they receive and their observations of violations. The findings of an investigation and conclusions depend frequently on the information provided by students, teachers, and other personnel. No one should be punished if they did not know they provided false or inaccurate information. However, if they knowingly pass the information, they should be held responsible. Intentionally providing false reports should result in serious consequences. also, the school administration has a responsibility to conduct thorough and unbiased investigations. If they do not do this, they could be negligent.			

		<b>§126-99-12. Right to Alternative Complaint Procedures.</b>		
		<b>§126-99-13. Dissemination of Policy and Training.</b>		
5/30/02	Mark Fawcett	13.1. This policy or a summary shall be conspicuously posted - Someone needs to carefully write a "summary" of this policy that is easily read by students, parents, and school staff. It will do no one any good to post multiple pages of "official policy language" or to include them in a Student Handbook.		
5/30/02	Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High	13.3. The first sentence should be deleted because it would not be feasible to get all the students and/or their parents/guardians to sign a contract. The logistics of doing this could be monumental (time, cost, etc.). Also, there would be no solid means to enforce such a contract, other than taking disciplinary action against the student, which would be done anyway if the student violates the Code of Conduct.		
		<b>§126-99-14. Assessment of Effectiveness.</b>		
5/30/02	Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High	14.1. In the last part of the sentence, the word "counts" should read "counties."		
		<b>§126-99-15. Assessment and Classification as a Persistently Dangerous School.</b>		
5/30/02	Mike Ofutt Principal Calhoun Co. Middle/High	This policy will cause school districts to expel students quickly in order to prevent repeat offenses and therefore keep the daily incidents low. Instead of teaching and helping students become productive citizens we are going to concentrate on staying below the 60% rate. We have been working with several students this year in order to keep them in school and therefore provide an education. They each have several infractions and very often are in the office several times a day each day. We have worked with outside agencies, counselors, etc in order to help these students. It would be more simple to		

5/30/02	Mike Offutt Principal Cathoun Co. Middle/High	§126-99-15. Assessment and Classification as a Persistently Dangerous School. (cont.)	expel and then only the students, and in the long run society, will lose if we simply expel students in order to stay below some percentile.	
5/30/02	Karen Brunnicardi Principal Neale Elem. School Vienna, WV	15.1-15.4 To rate a school based on numbers of violations will negatively impact the school's perception of this policy. A school that rigorously enforces the policy will be labeled as "persistently dangerous" and another that is more lenient will appear "safer". Exactly the opposite could be true. Also, a school that serves children from a less desirable neighborhood will, just by statistics, fall victim to a negative label, even if the staff has worked hard to create a caring, nurturing environment. This entire section should be eliminated. It does not accomplish what it is set up to accomplish.		
5/30/02	Bea Orr	Level IV violations which result in a possible expulsion from school should be used to determine persistently dangerous schools because these violations are the serious incidences that are in code. Violations listed as level III and are part of code and may result in expulsion from school should be moved to a level IV violation status and measured. To utilize level II and III, and IV violations also, provides too many indicators for the WVDOE to college and analyze.	15.2 & 15.3: It is not clear what the 60% and 75% is or how it is calculated. It appears to be an arbitrary response and does not take into consideration the size of a school. The number of expulsions for a level violation appears to be a better measurement and falls in line with what other states are using. A suggestion of measurement for a school of fewer than 300 students would require that three expulsions over a three-year period of time would label a school as being persistently dangerous. A larger school would be labeled as such if one expulsion for every 100 enrolled students or fraction thereof occurs over a three-year period of time.	
Page 19		If a law requires the classification system, I understand, and we will obey. However, I hope that our WVDE		

<p>5/30/02</p>	<p>Emilio Garza, Jr. Assistant Principal Cathoun Co. Middle/High</p>	<p><b>§126-99-15. Assessment and Classification as a Persistently Dangerous School. (con't.)</b></p>
<p>Page 20</p>	<p>makes a stand against such a rating system. There has to be a better way.</p> <p>This entire section should be deleted and left out of the policy. I do not know what good would come from compiling data/information to determine if a school is or is not a Persistently Dangerous School. Being classified as a Persistently Dangerous School could have an immensely negative, psychological impact on the school staff, its students, and its community. This could be detrimental in several ways. Good educators probably would not want to be a part of a Persistently Dangerous School, and they would probably leave. It could become difficult to fill teacher vacancies because educators would probably not want to work in such a school.</p> <p>There could be extreme teacher shortages, which could hinder mission accomplishment. Good students whose parents/guardians can afford to relocate would probably move to a different school. Other residents could decide to send their children to a different school because they would be concerned about their children's safety and welfare. All this would likely result in reduced funding for the county board and school, which could affect all aspects of the school. Who is going to bear the cost if students, who meet the criteria, choose to go to an alternate safe school?</p> <p>Students who stay behind could possibly see themselves as losers or people who are doomed to stay in an undesirable school. It could be extremely difficult for students to maintain their school pride, morale, and motivation. This could affect their future if they cannot compete for scholarships or other opportunities to further their education or pursue a career. What school would want to send its students to compete in any sport or curricular activity at a Persistently Dangerous School? What school would want to allow the students to teams of a Persistently Dangerous School on its premises for any activity? If a school is Persistently Dangerous, local and other businesses might not want to be associated with it, which could affect work-based learning and other initiatives that help students prepare for the workforce.</p>	

		<p><b>§126-99-15. Assessment and Classification as a Persistently Dangerous School. (con't.)</b></p>		
5/30/02	<p>Emilio Garza, Jr. Assistant Principal Calhoun Co. Middle/High</p>	<p>Four other possibilities could come about as a result of this rating system. The first is that teachers and/or students might not report violations of the Student Code of Conduct. The second is that they might report only the extremely severe infractions. If this happens, the third possibility is that schools might push to have these students expelled instead of trying to find a means to keep them in school, as stressed by the School Assistance Team process. The fourth possibility is that the pride and will of the community could be bolstered, creating a situation in which they would refuse to accept a rating of Persistently Dangerous School for any of their schools. The community could then try to influence its school system to resist and/or to break any good working relationship with WVDE.</p>		
Page 21		<p><b>§126-99-16. Prevention and Intervention Training.</b></p>		

# Fax

To: Karen Huffman From: Candace Reed  
Fax: (304) 558-1613 Pages: 2, including cover sheet  
Re: Policy 4373 Student Code of Conduct Date: 05/27/02  
Comment Response

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Policy 4373: Student Code of Conduct  
Comment Response

## 126-99-9. Investigation Procedures

My concern with this investigation process is that it will completely stop the education process in regard to learning. Most disruptive behaviors (Level 1) can and should be dealt with quickly. A word from the teacher is all that is needed. If a teacher or principal must spend time contacting parents, conducting personal interviews, and filing reports for everyday disciplinary circumstances, there will be no time left for education. Children, by nature, tend to be unruly at times. Part of education and the public school system is to teach children to participate individually in society. They must learn to interact with others without the constant supervision of parents. They need to learn to be autonomous individuals so they will be successful in life after they leave their parents' home.

As a teacher, I am usually able to deal with disruptive situations with a sense of humor or a stern word, depending on the nature of the problem. The principal, parents, lawyers, etc. do not need to be involved in everyday communication between students, their peers, teachers, and other staff members. A lengthy investigation in small matters will only turn insignificant incidents into overblown problems.

Teachers have learned from research and in education classes that disruptive situations need to be dealt with and resolved quickly. Consequences for offensive behavior need to occur as soon as possible so that correction will be effective. The length of time it would take to notify all parents and parties that might be involved in a minor incident, conduct interviews, and file reports would be ridiculous.

Only serious, or recurring discipline problems need to be investigated in the manner proposed in this document.

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**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 12:30 PM  
**To:** Shirley McGraw  
**Subject:** FW: policy concerns

-----Original Message-----

**From:** McGlumphy Bonnie [mailto:hhshornetlover@yahoo.com]  
**Sent:** Friday, May 24, 2002 11:26 AM  
**To:** khuffman@access.k12.wv.us  
**Subject:** policy concerns

Ms. Huffman,

I feel that the level responses need to be clarified.

I also feel that the persistently dangerous school needs to be clarified as well. If a student habitually gets written up for small things...progresses to level II ... then we are a persistently dangerous school for little things. Maybe I misunderstood this section.

I did not like the investigation procedures either. This will take away the effectiveness of immediate action by the teacher and principal. Not to mention the fact of the paper work involved. I realize the need for investigation when matters are critical, but do we need to investigate everything?

Thank-you

Bonnie McGlumphy

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## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 12:28 PM  
**To:** Shirley McGraw  
**Subject:** FW:

This one doesn't have a name!

-----Original Message-----

From: kse92501@s10005.netschools.com  
[mailto:kse92501@s10005.netschools.com]  
Sent: Friday, May 24, 2002 11:31 AM  
To: khuffman@access.k12.wv.us  
Subject:

Investigation procedures should only apply to levels III and IV. It is absurd to do investigations on any minor offense. This procedure will also take away instructional time as all there will be timer for is documenting minor offenses. The process will encourage teachers not to report as their word will be questioned each and every time.

Parent conferences for offenses other than levels III and IV at not practical. Many of our parents in the area ath I work in work full time or are economically at lower levels and do not have transportation or telephones. The conferences would also delay the punishment giving more power to the student.

Designating schools as Persistently Dangerous Schools need to be more well defined. Smaller schoolw with few students who are disciplined at a higher rate for repeat offenses that are not necessarily violent will up the percnetage rates and skew the results. After the designation, this will cost the counties and state money which could be better spent elsewhere. It is also difficult enough to hire teachers and keep them. A school designated as such would be at a disadvantage when looking for qualified personnel.

## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 12:21 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

This is a short one!

-----Original Message-----

**From:** Bernard L. Shackelford [mailto:bshackle@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 10:42 AM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Policy 4373

Ms. Huffman,

I feel there are certain areas of Policy 4373 that need to be revised.

1.) section 126-99-9. This section will grind the school system to a halt. The time involved to deal with an investigation for every little violation will decrease instruction time. Item #2 under investigation is particular offensive to me as a teacher. The very procedures outlined impugn my honesty and integrity as an instructor. Requiring the parents to be present when a student is interviewed will result in the incident being drawn out for days.

2.) Section 126-99-15. Using all violations from level II, III, and IV to deem a school as dangerous is unfair. Not all violations on the levels II, III and IV are items which create a dangerous situation.

3.) A distinction between informal and formal hearings needs to be made clearer.

Bernard L. SHackelford  
Hundred High School  
Wetzel County

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 12:32 PM  
**To:** Shirley McGraw  
**Subject:** FW: student code of conduct

-----Original Message-----

From: rharter@access.k12.wv.us [mailto:rharter@access.k12.wv.us]  
Sent: Friday, May 24, 2002 7:46 AM  
To: khuffman@access.k12.wv.us  
Subject: student code of conduct

Ms. Huffman, I am very happy with the policy in general. It is much like the one we developed at Hundred High School which has been easy to enforce and seems fair. One of the problems I do anticipate is in the wording of the sections with suspension. Does a hearing need to be held for level III OSS? What actions can be taken prior to the informal hearing described in level III responses? Secondly, do all levels of conduct violations require a hearing as described in 126-99-9? Most disturbing is if EVERY discipline is investigated the amount of my day spent in reporting and investigating could substantially impact instruction. I think there needs to be more reasonable guidelines for investigating certain violations but not all of those listed. Also students will quickly unify to help each other out if teacher charges of insubordination/unruly conduct, inappropriate displays of affection, cheating, and others which occur within the classroom require corroborating testimony. At worst, this policy could degenerate into a useless document because teachers and administrators will find a way to circumvent it. The classification of a school as dangerous should come only from those violations which are dangerous...not clumping II, III, and IV together.

Rachelle Harter

## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 12:34 PM  
**To:** Shirley McGraw  
**Subject:** FW: policy4373

-----Original Message-----

From: tom snodgrass [mailto:tsnodgrass72@yahoo.com]  
Sent: Friday, May 24, 2002 11:40 AM  
To: khuffman@access.k12.wv.us  
Subject: policy4373

Ms Huffman,

This letter is to address a few concerns about policy 4373. I am a high school science teacher at Hundred High in Wetzel County.

My main concern is the investigation process under 126-99-9. As a future administrator and current teacher, I feel that to investigate every complaint as stated in this policy is going to take entirely too much time and therefore reduce the actual classroom teaching time. Teachers are professionals and should not have to be investigated every time a violation has occurred. An administrator's time is very important and should not be filled up with jobs already completed by another professional. Secondly, adding the title of "dangerous school" to schools that have habitual level I violations or other level II violations does not make a school dangerous.

Thomas L Snodgrass  
Science teacher  
Hundred High School

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## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:08 PM  
**To:** Shirley McGraw  
**Subject:** FW: policy changes

-----Original Message-----

From: Abnorm42@aol.com [mailto:Abnorm42@aol.com]  
Sent: Friday, May 24, 2002 12:42 PM  
To: khuffman@access.k12.wv.us  
Subject: policy changes

I feel this type of change regarding procedures in the enforcement of the student code of conduct is not a beneficial change. It will be extremely time consuming and would require a re-allocation of personel. We need more time in the classroom for instruction not spending more time on discipline.

## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:11 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy Changes

-----Original Message-----

**From:** Brian collins [mailto:collins16@hotmail.com]  
**Sent:** Friday, May 24, 2002 12:37 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Policy Changes

I do not feel that this type of change in policy would be beneficial to our school system. The idea is very unrealistic, and time consuming. The idea is not practical and would be very difficult to implement.

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## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:13 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373--Student code of conduct

-----Original Message-----

From: carl holcomb [mailto:holcombcr@hotmail.com]  
Sent: Friday, May 24, 2002 12:44 PM  
To: Khuffman@access.K12.wv.us  
Subject: Policy 4373--Student code of conduct

Dear Karen Huffman,

I am a seventh grade teacher at Clay Middle School and wish to express my concern about Policy 4373. School administrators do not have the time to implement this proposed policy and still have the time to be proficient at the capacity of leading the school in a productive and efficient manner.

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**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:14 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

-----Original Message-----

**From:** Catherine Carpenter [mailto:cjvc97@hotmail.com]  
**Sent:** Friday, May 24, 2002 12:52 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Policy 4373

Karen Huffman,

This letter is to inform you that I strongly urge the "correction" of the current WV Student Code of Conduct.

As a WV Special Ed Teacher, I find the Investigation Procedures to be extremely cumbersome and unnecessary. We (faculty and staff) take care of incidents everyday by talking to the the parties involved. Most incidents are so minor that there is no need for a "third party investigation". Talk about making a mountain out of a mole hill.....

Please take what ever action is needed to correct this situation.

Catherine J VCarpenter  
Clay County Middle School  
Clay, WV 25043

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## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:15 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

-----Original Message-----

From: Chasity Dawson [mailto:chazwvu@yahoo.com]  
Sent: Friday, May 24, 2002 12:43 PM  
To: khuffman@access.k12.wv.us  
Subject: Policy 4373

I am writing to express my dissatisfaction for Policy 4373. This policy is unrealistic and would be the downfall of discipline as we know it. It would result in less discipline and unruly classrooms. This would be ideal if teachers had more hours in a day but unfortunately we do not. Some problems arise in the classroom that need to be taken care of immediately. This policy would hinder immediate feedback. I do not support this policy.

Chasity Dawson  
6th Grade Teacher  
Clay County Middle School

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**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:16 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

-----Original Message-----

**From:** Cheryl Thomas [mailto:cdbt@hotmail.com]  
**Sent:** Friday, May 24, 2002 11:54 AM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Policy 4373

Dear Ms. Huffman,

I am a teacher at Clay County Middle School. I am writing concerning Policy 4373 of the Student Code of Conduct. Too much of our day is already taken up with paper work and with dealing with behavioral problems. I feel this policy would cause us to become hopelessly mired in tedious disciplinary activities. Our students are well-behaved for the most part, but we keep high standards. Policy 4373 threatens those high standards. Please reconsider this policy and help us "teach" during the school day. We just don't have the time or personnel to handle disciplinary problems in the manner suggested by policy 4373.

Thank you,  
Cheryl Thomas

## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:17 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

-----Original Message-----

From: david ellison [mailto:dellison425@hotmail.com]  
Sent: Friday, May 24, 2002 12:50 PM  
To: khuffman@access.k12.wv.us  
Subject: Policy 4373

To Whom it may concern:

I am a middle school teacher from Clay County, WV and wish to inform you of my displeasure at the prospect of requiring principals to contact parents concerning routine discipline measures taken during a regular school day. Today's principals are overloaded already with tasks too numerous to mention. In addition, teachers on the front lines need immediate support for problems encountered in the classroom for which they see no alternative but an office visit for the child. In most cases, these problems are handled quickly and efficiently by our administrative staff and the authority of the teacher is reinforced and fewer problems are encountered.

By requiring a parent to be contacted prior to the face to face questioning of the student, the authority of said principal and of the referring teacher is diminished. Also, because of the backlog of cases this would create, the principal would no longer have the time necessary for proper school organization, teacher observation, curriculum development, and other important duties.

If this is to become policy, you'd better figure on a greater budget for each school to handle these cases as it is impossible with our present staffing levels and unreasonable to require it of them.

Therefore, let it be known...I'm completely against such a policy!

Sincerely, David Lee Ellison

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**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:19 PM  
**To:** Shirley McGraw  
**Subject:** FW: policy 4373

-----Original Message-----

**From:** Erica Samples [mailto:esamples7@yahoo.com]  
**Sent:** Friday, May 24, 2002 12:41 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** policy 4373

I'm writing to voice my opinion on policy 4373. I oppose this policy greatly. This policy would be nice in an ideal world, but unfortunately that isn't reality. It would result in an uproar of discipline problems with no way to efficiently deal with them. Students need immediate feedback and this would hinder the process.

Erica Samples, Teacher, Clay County Middle School

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## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:19 PM  
**To:** Shirley McGraw  
**Subject:** FW:

-----Original Message-----

**From:** Evelyn Ellison [mailto:eellison41@hotmail.com]  
**Sent:** Friday, May 24, 2002 12:44 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:**

Dear Ms. Huffman

I am writing to let you know that as a teacher in West Virginia that I totally disagree with the Policy 4373, concerning the Code of Contact. This would create such a backlog of student referrals that it would undermine any kind of discipline taken care of quickly that we would never be able to handle all of it in our school.

Thank you,

Evelyn Ellison  
Clay Middle School  
Clay, West Virginia 25043

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## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:20 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373 - Student Code of Conduct

-----Original Message-----

From: Joyce White [mailto:jrbwhite@hotmail.com]  
Sent: Friday, May 24, 2002 12:46 PM  
To: khuffman@access.k12.wv.us  
Subject: Policy 4373 - Student Code of Conduct

Dear Mrs. Huffman,

I am writing to express my opinion on Policy 4373. I am an educator, and I feel that this policy will be harmful to our schools. I would appreciate your support.

Sincerely,  
Joyce White  
Clay Middle School

---

Send and receive Hotmail on your mobile device: <http://mobile.msn.com>

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]

**Sent:** Friday, May 24, 2002 1:21 PM

**To:** Shirley McGraw

**Subject:** FW: Student Code of Conduct

-----Original Message-----

**From:** Loy Stull [mailto:lstull@access.k12.wv.us]

**Sent:** Friday, May 24, 2002 12:21 PM

**To:** khuffman@access.k12.wv.us

**Subject:** Student Code of Conduct

Level III Responses Students won't remember what they did wrong by the time an informal hearing takes place.

Who will participate in the hearing? Will there be a person to cover if the teacher has to be there? It is hard to cover everything without all of the extra paper work. The way things are going that maybe all we have time to do.

Can teachers take care of some level I and II violations without reporting?

Assessment and Classification Why would you want to label a school as dangerous? Parents wouldn't want their children going to a school that was dangerous. I wouldn't want to work there.

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:21 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373 - Student Code of Conduct

-----Original Message-----

**From:** Mike Smith [mailto:mvsmith30@hotmail.com]  
**Sent:** Friday, May 24, 2002 12:50 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Policy 4373 - Student Code of Conduct

Dear Karen Huffman,  
I am an eighth grade teacher at Clay County Middle School and wish to voice my concerns about Policy 4373. Principals do not have the time or the resources to contact parents for routine discipline problems. Students need immediate support for discipline problems and the punishment loses its effectiveness as the time for the investigation drags on. I do not think that this policy should be passed.  
Mike Smith

---

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## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:22 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373 Student Code of Conduct

-----Original Message-----

From: Nancy Dawson [mailto:nlddkd@hotmail.com]  
Sent: Friday, May 24, 2002 12:46 PM  
To: Khuffman@access.K12.wv.us  
Subject: Policy 4373 Student Code of Conduct

Dear Mrs. Huffman:

I am writing to express my views of this policy. I am an educator and I am not in favor of this policy for our school.

Thank you for your help in not supporting the passage of this policy.

Sincerely,  
Mrs. Nancy Dawson  
Teacher, Clay County Middle School  
Clay, West Virginia 25043

---

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<http://photos.msn.com/support/worldwide.aspx>

**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:24 PM  
**To:** Shirley McGraw  
**Subject:** FW: Student Code of Contact

-----Original Message-----

**From:** Patsy Lambey [mailto:patsylambey@hotmail.com]  
**Sent:** Friday, May 24, 2002 12:53 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Student Code of Contact

Ms. Khuffman,

I have been a classroom teacher for 28 years. Our school has good discipline, which protects the learning environment. I am adamantly opposed to Policy 4373. If this policy becomes law, our hands will be tied, and disruption in the classroom will become the rule, rather than the exception.

Sincerely,  
Patsy Lambey  
Clay County Middle School

---

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## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:23 PM  
**To:** Shirley McGraw  
**Subject:** FW: Student Code Conduct

-----Original Message-----

**From:** Nancy Updegrave [mailto:nupdegrave@hotmail.com]  
**Sent:** Friday, May 24, 2002 12:48 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Student Code Conduct

I feel the students rights should always be protected when any disciplinary action needs to be taken. The issue of being sure that decisions of caprious and arbitrary nature not be administered.....This said...

As an elementary school principal, there are several violations committed by students that require immediate attention....fights, bullying, disrespect, violent outburst (both to self and others).

Discipline should never be without following rights and procedures....but believe me there are many times when immediate action by a school (administrator) needs to be taken...this is for the safeguards of the other students and/or staff.

Please be careful when wording this policy that the hands of administrators are tied by the various safeguards for student rights are being protected. We have dangerous students and that is the truth!

---

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## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:25 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

-----Original Message-----

**From:** Teresa Butler [mailto:tbb592000@yahoo.com]  
**Sent:** Friday, May 24, 2002 12:48 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Policy 4373

Ms. Khuffman,

This concerns Policy 4373 of the Student Code of Conduct. As a classroom teacher, I am strongly opposed to the part of the policy that states that a principal must contact a parent in connection with any investigation. (9.2) How could anyone that has dealt with discipline in the public school system think that this is practical? I have taught in the public school system for twenty years and have seen the school's hands tied more and more tightly when trying to discipline children. This new policy will not only tie our hands, it will choke the system to death. Why don't you just say, "You may do anything you want at school because there is nothing the school system can do to you without a four-month investigation!" I hope that someone who actually deals with children brings someone to their senses and eliminates this assinine part of the policy.

---

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**Lenore Zedosky**

**From:** Dan Curry [ddcurry@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 3:15 PM  
**To:** lzedosky@access.k12.wv.us  
**Subject:** Policy 4373 (comments for the state board)

*✓ State develops a general policy & leave it up to local board to develop specifics*

Karen:

This student code of conduct is a good example of a state policy that will most like be violated on a daily basis. It will be violated because it is far more cumbersome and prescriptive than any county policy I've ever seen in my career. It would seem appropriate to me that the state policy on student conduct would identify appropriate behavior and appropriate or legally acceptable appropriate consequences in general terms and leave it up to the local board to develop the specifics.

This policy has identified 14 level 1 violations as if it is the definitive list. I assure you, there are problems that will come up that won't be on any list. I also can assure you that there are varying degrees of misconduct that may push a level I problem into level II and level III territory.

Now, for the 14 possible level I violations we have 17 possible consequences. Granted, all are in the bag of tricks that a principal calls upon daily. What about community service? Taking out the trash?

Discipline is a day to day occurrence for any school principal and each school does well to communicate and interpret its own discipline policy. I believe most principals in Wood County are fair and consistent. They also need to be able to handle and dispatch the small incidents quickly or they'll never have time to visit a classroom. There needs to be lots of room for personal judgment and wisdom, based not only upon the violation, but upon the student's circumstances and previous record. A state policy should be helpful to them. I fear that this one will be a burden and a worry.

Daniel D. Curry, Superintendent

Wood County Schools

1210 13th Street

Parkersburg, WV 26101

304-420-9670x125

✓

<<Dan Curry (Dan Curry).vcf>>

**Karen Huffman**

---

**From:** "WV Family Foundation" <wvff@afo.net>  
**To:** "Karen L. Huffman, Ed. D., Assistant Director" <khuffman@access.k12.wv.us>  
**Sent:** Monday, May 27, 2002 11:10 PM  
**Subject:** Re: Student Code of Conduct Policy-(4373)

Dear Ms. Huffman:

Would you please explain to me why Policy 2421 is needed if Student Code of Conduct-4373 is adopted? It seems to me it's redundant. More importantly, policy 4373 was the direct result of legislation (HB-3023) which passed in the 2001 legislative session.

I reviewed WV Code § 18-2-5, 18-2-5a, and 18-2-7b upon which Policy 2421 is premised and have found absolutely no language therein that authorizes such a policy. Absent thereof, I find policy 2421 completely without any legislative mandate to justify its existence and should therefore be terminated immediately.

I look forward to hearing from you soon.

Kevin McCoy, President  
 West Virginia Family Foundation  
 (AFA of West Virginia)  
 304-965-6700

---

----- Original Message -----

**From:** Karen L. Huffman, Ed. D., Assistant Director  
**To:** WV Family Foundation  
**Sent:** Thursday, May 16, 2002 7:33 PM  
**Subject:** RE: Student Code of Conduct Policy-(4373)

Thank you for your comments. They will be added to the comment log and forwarded to the State Board for review.

-----Original Message-----

**From:** WV Family Foundation [mailto:wvff@afo.net]  
**Sent:** Thursday, May 16, 2002 5:54 PM  
**To:** Karen Huffman  
**Subject:** Student Code of Conduct Policy-(4373)

Dear Ms. Huffman:

The purpose of this letter is to comment on the Student Code of Conduct policy [http://wvde.state.wv.us/policies/p4373\\_co.html](http://wvde.state.wv.us/policies/p4373_co.html) that is currently being reviewed by the public.

The policy appears to be well written and covers the expectations of both the WV State Legislature and the WV State School Board, wherein to make schools a safe place for all children while they learn in an environment free from harassment and other form of unacceptable behavior.

The policy is very clear and precise as to what behavior is expected of students while at school, and equally clear as to the behavior that is not acceptable and to include the consequences of such behavior and violation of the policy.

I am particularly pleased that item 6.1.3a Bullying/Harassment/Intimidation is absent of classification or groups of people as this would be extremely divisive. In addition, this would have lead to a never-ending list of classification in an effort to ensure all students are protected from this kind of damaging behavior.

This section of the policy is clear that there is "zero tolerance" for all forms of this type of behavior.

Those involved in developing this policy should be highly commended. I strongly urge the WV State School Board to adopt this policy as written.

Kevin McCoy, President  
West Virginia Family Foundation  
(AFA of West Virginia)  
304-965-6700

**Shirley McGraw**

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 10:51 AM  
**To:** Shirley McGraw  
**Subject:** FW: student code of conduct

Here's another one!

-----Original Message-----

**From:** Sheri Graham [mailto:slgraham@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 9:47 AM  
**To:** khuffman@access.k12.wv.us  
**Cc:** Ron Blankenship  
**Subject:** student code of conduct

Policy 4373: Student Code of Conduct

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization:

**Sheri Graham, Arnoldsburg School**

Title:

**Principal**

Street Address: City/State/Zip

**P.O. Box 159, Arnoldsburg, WV 25234**

9.2. 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 this policy, efforts shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview.

This is not always appropriate or possible at my school. First of all, younger students need immediate correction and feedback. If I must wait to try and call all parents of any student I am going to question, I lose the immediacy younger students need. Also, approximately 20% of my parents have no telephone. Finally, this policy covers some pretty trivial things, such as deliberate defacing school textbooks. Administrative and instructional time will be lost to notify parents and invite them to be present when investigating trivialities. Some discretion is needed here. Teachers and administrators need to do so much more than formal investigation as outlined here.

13.2. 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.

**Arnoldsburg School's current handbook is 24 pages. This document, when copied in its entirety and transferred to Microsoft Word is 38 pages. Copying this into the handbook and/or distributing to all parents (approximately 200) is cost-prohibitive. This would cost our school \$190, that much less that can now be spent on instructional supplies.**

13.3. Annually, each student and his/her parent/guardian will be required to sign a contract agreeing to abide by the stipulations in the policy and consequences associated with violations. The agency 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.

Our Title I School-Parent-Student Compact is a voluntary agreement. Can we really require parents to sign? Who will witness? What will happen if parents refuse? Assuming the beginning of the school year would be the proper time for dissemination, aren't there more important things to insist parents return at the beginning of the year, such as accident and medical information. Enrolling a child at the beginning of a year is already a cumbersome task before you add reading a technical 38-page document and sign a legally binding contract.

15.1. School Rates of Level II, III and IV violations will be used to determine persistently

dangerous schools as required by H.R. 1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind). During the 2002-2003 school year the rate of these violations will be determined to set a baseline for determining persistently dangerous schools.

This provision simply encourages schools to not record, or cheat in reporting, because the consequences for reported incidents are too stiff. So many minor things could be recorded and not mean you have a "dangerous school." Consistency is a real problem. A school's high numbers might mean better and closer supervision, yet recording all offenses may make it appear dangerous, when the opposite is true. Schools will quickly learn to record less or watch less. This is not the intent. Perhaps recording only certain types or intensities of behaviors would be more appropriate.

I applaud the intent of this law, which is apparently to give the schools more power to control student misbehavior that interferes with learning or the student's need to feel safe and secure. I just feel this makes the school too much of a courtroom, rather than a learning environment. I question who developed this policy. Did a team of recognized educators, parents, students, and law enforcement work together to get a document that would be appropriate?

**Lenore Zedosky**

**From:** Amy Coleman [colemana@citlink.net]  
**Sent:** Friday, May 24, 2002 7:35 PM  
**To:** lzedosky@access.k12.wv.us  
**Subject:** Policy 4373

*✓ individual school needs  
to decide specifics*

**Policy 4373: Student Code of Conduct**

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Amy Coleman (on behalf of Montcalm Elementary Faculty Senate)

Title: Teacher

Street Address: City/State/Zip

Rt. 2 Box 35  
Rock, WV 24747



**Comments/Suggestions**

**126-99-4. Planning.**

Where county board involvement ensures consistency, it is important that each individual school has the power to decide which students need to be dealt with for infractions of the policy.

**Lenore Zedosky**

**From:** Linda Shock [lshock@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 6:19 PM  
**To:** lzedosky@access.k12.wv.us

**Policy 4373: Student Code of Conduct**

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Linda Shock

Title: Special Educator

Street Address: City/State/Zip

Rt. 1, Box 102

Gransville, WV 26147

*✓ Special needs students not addressed  
✓ paperwork will deter people from reporting incident  
✓*

**Comments/Suggestions**

**126-99-1. General** The policy change does not address the real problem with bad behaviors in our schools. Not only will it add an impossible duty (more paper work) to teachers and administrators, it still not doing do anything to special educations students especially those with behavior disorders. Special needs students are not disciplined now and will not be disciplined under this policy. Some of these students do things and say, "You can't do anything to me!" I have spend a day each month this past year revising Individual Education Plans (IEP) goals and Behavior Intervention Plans (BIP) on one student. Not only was this time out of my classroom where I have other students that need to be taught but nothing was accomplished with this student because he did not follow through with his part of the BIP. Please don't send

behavior plans to me or my school, we have tried many and have knowledgeable people on staff that peruse all ways to get help and behavior interventions that work. Students like this do not belong in public school showing the mentally impaired students and the regular ed students that they can get away with 1, 2, 3,&4 forms of violence and bad behaviors.

All that I can see happening with this new policy is that fewer students will be reported for inappropriate behaviors because no ones wants to take instructions time to complete a referral.

As a special educator my plan time is not used in preparing lessons for the MI, LD, BD students in my classes and monitoring those in regular classes that are on my "list", I spend my plan time preparing reports for IEP and BIP meetings. I need to attend these meeting when the regular class teachers are free. My students are sent somewhere else if a sub cannot be found. I a sub is coming I need to spend time writing out specific directions for each student. I am exhausted by amount of paper work I have to do now.

Some students with autism that have unusual behaviors can be changed with interventions. These students with no cause violent behaviors need to be disciplined like everyone else in school. They get away with behaviors that other mimic and/or encourage.

**126-99-2. Purpose.**

**126-99-3. Application.**

**126-99-4. Planning.**

**126-99-5. Attendance.**

**Student Code of Conduct (Policy 4373)**

**Comment Response Form**

**Page two**

**126-99-6. Violation.**

**126-99-7. Suspension and Expulsion.**

**126-99-8. Complaint Procedures.**

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

**126-99-10. Agency Action and Reporting.**

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

**Student Code of Conduct (Policy 4373)**

**Comment Response Form**

**Page three**

**126-99-13. Policy Dissemination and Training.**

**126-99-14. Assessment of Effectiveness.**

**126-99-15. Classification as a Persistently Dangerous School.**

**126-99-16. Prevention and Intervention Training**

**Lenore Zedosky**

---

**From:** Sandy M. Weese [sweese@access.k12.wv.us]  
**Sent:** Thursday, May 23, 2002 3:08 PM  
**To:** lzedosky@access.k12.wv.us  
**Subject:** COMMENT ON DRAFT POLICY

I would like to take this opportunity to respond to the draft policy on Student Code of Conduct (4373). In my 13 years as Superintendent, I have never felt compelled to comment on a draft State Board Policy, until now. In my opinion, this draft policy is unnecessary, too detailed, and will create a tremendous burden on our overworked principals. Perhaps if every school had the luxury of having an Assistant Principal whose only responsibility was discipline, then there might be enough time to do all the things required in this draft. However, that is not a reality! Tyler County does not have ANY Assistant Principals. In addition to being the School's Instructional Leader, our Principals are already spending an exorbitant amount of time dealing with discipline issues. This policy would probably double the amount of parent contacts and paperwork!!

The WV Safe Schools Act and the present Student Code of Conduct, coupled with our County Policy and individual school discipline policies are quite sufficient!

We need to add specific language on bullying behavior, but that doesn't necessitate a new 23 page policy! This policy is attempting to address every discipline issue that may arise. That is an impossible task! Anyone who works daily in our schools can tell you that there are new issues all the time, and principals must be trusted to use good judgment and establish consequences based on the particular circumstances.

*✓ policy is too detailed  
✓ increases paperwork & parent contacts  
✓ we already have enough policies*



**Lenore Zedosky**

---

**From:** The Carter's [ccarter@access.mountain.net]  
**Sent:** Friday, May 24, 2002 7:54 PM  
**To:** lzedosky@access.k12.wv.us  
**Subject:** Student Code of Conduct Policy 4373

This is in regard to section 126-99-9 Investigation Procedures. I am a teacher at Clay Elementary. Many of our parents do not have a phone. Many of them work. If we or the administrator have to set up meetings with parents over minor infractions, we will not have time to educate the children.

We also would not get the true story of the incident if we have to contact the parents of everyone involved and if there is a delay in getting the details.

We would like to spend our time in the classroom educating the children instead of ~~spending~~ all our time on disciplining a few children.

Please reconsider this section of the code.

✓ parental contact ~~to be made~~

✓

**Lenore Zedosky**

---

**From:** Patricia Hicks [phicks@access.k12.wv.us]  
**Sent:** Friday, May 24, 2002 1:02 PM  
**To:** lzedosky@access.k12.wv.us  
**Subject:** policy 4373

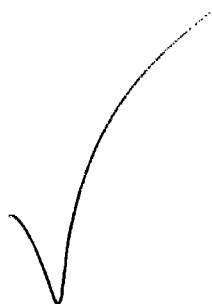
I seldom comment on the policies drafted by the state. However, I feel this policy needs some work done before it is adopted by the state.

First, I only received notice of this policy today, which leaves very little time to read it all, since it is so large. I agree that we need safer schools. In a county as small as Calhoun, we don't have nearly the amount of problems that other larger counties have. However, we do have normal kids that behave like other normal kids. I feel the paper work involved with this policy would quickly become mind boggling. Yes, we need to keep track of the constant offenders. But we need to spend our time teaching the students, not spend all our time doing paperwork.

Many sections of this policy have all the earmarks of letting the students run wild. If we as teachers have to stop each time someone breaks a rule and do all the paper work involved, eventually we may overlook some of those "antics".

Please give us a chance to look over this policy a little closer and see if there are other ways to take care of the problems within the schhol system. Don't give us 40 pages to read with a holiday looming over our heads and then ask for comments. I didn't use the regular form because I wasn't sure which category this would fit under. Thank you for listening.

*✓ not enough time to comment  
✓ too much paper work —  
Need more time*



**Karen Huffman**

---

**From:** "Karen L. Huffman, Ed. D., Assistant Director" <khuffman@access.k12.wv.us>  
**To:** "Shirley McGraw" <smcgraw@access.k12.wv.us>  
**Sent:** Monday, May 27, 2002 4:56 PM  
**Subject:** FW: Student Code of Conduct (Policy 4373)

-----Original Message-----

**From:** Candace Reed [mailto:reedcandace@hotmail.com]  
**Sent:** Monday, May 27, 2002 1:52 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Student Code of Conduct (Policy 4373)

*Time involved in notification  
of parents*

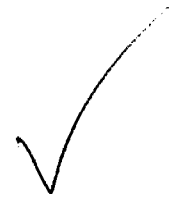
Policy 4373: Student Code of Conduct  
 Comment Response

#### 126-99-9. Investigation Procedures

My concern with this investigation process is that it will completely stop the education process in regard to learning. Most disruptive behaviors (Level 1) can and should be dealt with quickly. A word from the teacher is all that is needed. If a teacher or principal must spend time contacting parents, conducting personal interviews, and filing reports for everyday disciplinary circumstances, there will be no time left for education. Children, by nature, tend to be unruly at times. Part of education and the public school system is to teach children to participate individually in society. They must learn to interact with others without the constant supervision of parents. They need to learn to be autonomous individuals so they will be successful in life after they leave their parents' home.

As a teacher, I am usually able to deal with disruptive situations with a sense of humor or a stern word, depending on the nature of the problem. The principal, parents, lawyers, etc. do not need to be involved in everyday communication between students, their peers, teachers, and other staff members. A lengthy investigation in small matters will only turn insignificant incidents into overblown problems.

Teachers have learned from research and in education classes that disruptive situations need to be dealt with and resolved quickly. Consequences for offensive behavior need to occur as soon as possible so that correction will be effective. The length of time it would take to notify all parents and parties that might be involved in a minor incident, conduct interviews, and file reports would be ridiculous.



Only serious, or recurring discipline problems need to be investigated in the manner proposed in this document.

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**Policy 4373: Student Code of Conduct**

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Carla Taylor/Calhoun Middle School

Title: Math Instructor

Street Address: City/State/Zip HC 89 Box 118C Mt Zion, WV 26151

**Comments/Suggestions**

**126-99-1. General**

✓ parent notification problem

**126-99-2. Purpose.**

**126-99-3. Application.**

**126-99-4. Planning.**

**126-99-5. Attendance.**

**Student Code of Conduct (Policy 4373)**

**Comment Response Form**

**Page two**

**126-99-6. Violation.**

**126-99-7. Suspension and Expulsion.**

### **126-99-8. Complaint Procedures.**

### **126-99-9. Investigation Procedures.**

9.2 It is hard enough to get in touch with parents, but to have to wait until a parent is contacted to start the interview is ridiculous. For them to be present is even worse. If students need to be interviewed it should be unrestricted by parent influence.

**126-99-10. Agency Action and Reporting. 10.3 I see a need to report violations of the code but only find it necessary to report upper level (3 and 4) violations. Obviously someone doesn't have enough to do already and they need more data to process.**

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

**Student Code of Conduct (Policy 4373)**

**Comment Response Form**

**Page three**

**126-99-13. Policy Dissemination and Training.**

**126-99-14. Assessment of Effectiveness.**

**126-99-15. Classification as a Persistently Dangerous School. 15.4 If a student be allowed to attend an alternate safe public school they should provide their own transportation at no cost to the school system they would be leaving!**

**126-99-16. Prevention and Intervention Training.**

Return comments by May 27, 2002 to:

**Karen Huffman**  
**Assistant Director**  
**West Virginia Department of Education**  
**Building 6, Room 722**  
**1900 Kanawha Boulevard, East**  
**Charleston, WV 25305-9969**  
**E-mail: [khuffman@access.k12.wv.us](mailto:khuffman@access.k12.wv.us)**  
**FAX: (304) 558-1613**

---

**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](#)

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 4:57 PM  
**To:** Shirley McGraw  
**Subject:** FW: Student Code of Conduct (Policy 4373)

-----Original Message-----

From: Candace Reed [mailto:reedcandace@hotmail.com]  
Sent: Monday, May 27, 2002 1:52 PM  
To: khuffman@access.k12.wv.us  
Subject: Student Code of Conduct (Policy 4373)

Policy 4373: Student Code of Conduct  
Comment Response

126-99-9. Investigation Procedures

My concern with this investigation process is that it will completely stop the education process in regard to learning. Most disruptive behaviors (Level 1) can and should be dealt with quickly. A word from the teacher is all that is needed. If a teacher or principal must spend time contacting parents, conducting personal interviews, and filing reports for everyday disciplinary circumstances, there will be no time left for education. Children, by nature, tend to be unruly at times. Part of education and the public school system is to teach children to participate individually in society. They must learn to interact with others without the constant supervision of parents. They need to learn to be autonomous individuals so they will be successful in life after they leave their parents' home.

As a teacher, I am usually able to deal with disruptive situations with a sense of humor or a stern word, depending on the nature of the problem. The principal, parents, lawyers, etc. do not need to be involved in everyday communication between students, their peers, teachers, and other staff members. A lengthy investigation in small matters will only turn insignificant incidents into overblown problems.

Teachers have learned from research and in education classes that disruptive situations need to be dealt with and resolved quickly. Consequences for offensive behavior need to occur as soon as possible so that correction will be effective. The length of time it would take to notify all parents and parties that might be involved in a minor incident, conduct interviews, and file reports would be ridiculous.

Only serious, or recurring discipline problems need to be investigated in the manner proposed in this document.

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Policy 4373: Student Code of Conduct

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Carla Taylor/Calhoun Middle School

Title: Math Instructor

Street Address: City/State/Zip HC 89 Box 118C Mt Zion, WV 26151

**Comments/Suggestions**

126-99-1. General

126-99-2. Purpose.

126-99-3. Application.

126-99-4. Planning.

126-99-5. Attendance.

Student Code of Conduct (Policy 4373)

Comment Response Form

Page two

126-99-6. Violation.

126-99-7. Suspension and Expulsion.

126-99-8. Complaint Procedures.

126-99-9. Investigation Procedures.

9.2 It is hard enough to get in touch with parents, but to have to wait until a parent is contacted to start the interview is ridiculous. For them to be present is even worse. If students need to be interviewed it should be unrestricted by parent influence.

126-99-10. Agency Action and Reporting. 10.3 I see a need to report violations of the code but only find it necessary to report upper level (3 and 4) violations.

Obviously someone doesn't have enough to do already and they need more data to process.

126-99-11. Reprisal.

126-99-12. Alternative Complaint Procedures.

Student Code of Conduct (Policy 4373)

Comment Response Form

Page three

126-99-13. Policy Dissemination and Training.

126-99-14. Assessment of Effectiveness.

126-99-15. Classification as a Persistently Dangerous School. 15.4 If a student be allowed to attend an alternate safe public school they should provide their own transportation at no cost to the school system they would be leaving!

126-99-16. Prevention and Intervention Training.

**Return comments by May 27, 2002 to:**

**Karen Huffman  
Assistant Director  
West Virginia Department of Education  
Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-9969**

E-mail: [khuffman@access.k12.wv.us](mailto:khuffman@access.k12.wv.us)  
FAX: (304) 558-1613

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**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](#)

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 4:59 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

-----Original Message-----

From: Linda Richards [mailto:lirichar@access.k12.wv.us]  
Sent: Friday, May 24, 2002 2:41 PM  
To: khuffman@access.k12.wv.us  
Cc: lirichr@access.k12.wv.us  
Subject: Policy 4373

Student Code of Conduct Policy 4373:

The staff and I went over the policy today during Faculty Senate at Princeton Middle School in Mercer County. We feel that the policy is too detailed. The levels are too broad (ex. to have tardiness, cheating, and smoking in the same level) At our school we put a page in the student assignment book that lists 27+ incidents and the corrective action taken for 1st, 2nd and 3rd offense. Tardy = 1st offense-one day after school detention, 2nd-2 days after school detention, and 3 days/1 unexcused absence. Cheating=1st -Teacher, Parent conference, 2nd-3days of in school suspension, and 3rd offense equals 1 day of suspension. Smoking is addressed by the county policy.

So, you can see that we have a fine tuned format for reporting discipline. The school uses a 3 page form that allows for the parent to get a copy, the teacher that files the complaint and one for the student's file. This is also placed on WVEIS and a monthly school discipline report is given to the Faculty Senate.

We don't feel there is a need to change the format we are using and reporting discipline. The parent, student and teacher surveys also reflect satisfaction with the format.

Thank you,

Linda Richards  
Asst. Principal Princeton Middle

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:02 PM  
**To:** Shirley McGraw  
**Subject:** FW: Re: Fwd: feedback on student code of conduct

-----Original Message-----

From: Paula Sanders [mailto:sanders26601@yahoo.com]  
Sent: Friday, May 24, 2002 3:35 PM  
To: khuffman@access.k12.wv.us  
Subject: Fwd: Re: Fwd: feedback on student code of conduct

Karen, here are the outcomes by the rest of the SOS(Support our Schools, Braxton Co.)group from last night. Thanx for your consideration, Paula Sanders

> Subject: Re: Fwd: feedback on student code of  
> conduct  
> Date: Fri, 24 May 2002 08:49:10 -0400  
>  
> Comments from the evening were:  
>  
> 126-99-2: Purpose  
> Define at a state level, for consistency:  
> harassment, intimidation,  
> bullying, substance abuse, and violence (too much  
> room for interpretation)  
>  
> 126-99-4: Planning  
> 4.2 - the county Board of Education should have  
> participation from 1-3  
> community, 1/3 parents and/or students, and 1/3  
> school  
> administrators/teachers  
>  
> 126-99-6: Violation  
> 6.1.2.b.A. add "parent guardian"  
> 6.1.2.b.B. add "students may be involved"  
> 6.1.6.d. change to Child Protective Services  
>  
> 126-99-9: Investigation Procedures  
> 9.2. - add "notification by three mailings, the  
> third being certified mail,  
> if no response to the previous two interview  
> requests"  
>  
>  
>

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LAUNCH - Your Yahoo! Music Experience  
<http://launch.yahoo.com>

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:03 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373

-----Original Message-----

From: Philip Dobbins [mailto:dobber33@yahoo.com]  
Sent: Friday, May 24, 2002 2:18 PM  
To: khuffman@access.k12.wv.us  
Subject: Policy 4373

I am writing this in response to policy 4373, the student code of conduct. I am an assistant principal at Clay County Middle School and I do the bulk of the discipline referrals. I am very supportive of a code of conduct for students, however I feel the investigation part of this policy would be very cumbersome to say the least. Calling parents and giving them an opportunity to come to school to be with their children when they are being questioned is a ridiculous requirement. Then writing letters to those parents to let them know how the investigation turned out is absurd. The writer of this policy clearly has not been in charge of discipline in public schools. This would be great if we lived in a utopian society but in the real world this is not feasible. The way this policy reads would make maintaining discipline in a school an impossible task. In its present form, I do NOT support this policy.

Sincerely,  
Philip Dobbins

---

Do You Yahoo!?  
LAUNCH - Your Yahoo! Music Experience  
<http://launch.yahoo.com>

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:03 PM  
**To:** Shirley McGraw  
**Subject:** FW: Student Code of Conduct (Policy 4373)

-----Original Message-----

**From:** Stephen F. Goffreda [mailto:sgoffred@access.k12.wv.us]  
**Sent:** Sunday, May 26, 2002 4:11 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Student Code of Conduct (Policy 4373)

Regarding the WVDE's requests for comments regarding the proposed revisions to Policy 4373, I recommend that the comment period be extended. More time is needed for Principals and Assistant Principals to react/provide input, as portions of the policy may be extremely difficult to adhere to, and may create potential liabilities for local school districts.

While this policy is thoroughly written and contains a significant amount of valuable legal guidance and references, there are portions that overlap into areas which have been traditionally reserved for local Board of Education authority and administrative procedures. I feel that the WVDE author(s), however, have made a very conscientious effort to venture into "new territory" with regard to statewide consistency, but we need a lot more time to examine these proposed changes to protect ourselves from commitments we can't realistically honor with some procedures.

Thank you for your consideration of this request.

P.S.: The link from Policy 4373 for comment does not lead to the same address that it says it does, so I have copied the blue link. I hope this arrives at the proper destination.

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:04 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy4373

-----Original Message-----

From: tburnette0@ccs.schoolcruiser.com  
[mailto:tburnette0@ccs.schoolcruiser.com]  
Sent: Friday, May 24, 2002 1:44 PM  
To: khuffman@access.k12.wv.us  
Subject: Policy4373

I am writing to oppose this policy. It would completely choke a process whose hands are already tied. This policy does not make sense. It is not realistic. If you were in the classroom every day, this would be your worst nightmare. It will making being in the classroom scary due to the lack of discipline there will be in schools. Please do not support this policy.

Thank You  
Tina Burnette

We've all surfed... But have you cruised?  
<http://www.schoolcruiser.com>

**Shirley McGraw**

---

**From:** wjs1000us2001 [wjs1000us2001 @yahoo.com]

**Sent:** Friday, May 24, 2002 1:10 PM

**To:** khuffman@access.k12.wv.us

**Subject:** Policy 4373

Concerning the student code of conduct policy 4373, after reviewing the policy, we feel that this much change will be too confusing and hard to implement. We ask that you reconsider and simplify this policy. The old policy was working, so why change it? We feel that it would be more beneficial to let the county manadate this policy.

Sincerely,  
Allen Petrunger  
Kathleen Duncan  
Wilma Sexton

**Shirley McGraw**

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:06 PM  
**To:** Shirley McGraw  
**Subject:** FW: policy changes

This person did not provide his name with his earlier comments.

-----Original Message-----

**From:** Abnorm42@aol.com [mailto:Abnorm42@aol.com]  
**Sent:** Monday, May 27, 2002 12:01 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Re: policy changes

My name is Norman C. Stephens  
378 Elk River Rd. N.  
Clendinin, WV. 25045

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:04 PM  
**To:** Shirley McGraw  
**Subject:** FW: student code of conduct-policy 4373

-----Original Message-----

From: Susan Hundley [mailto:shundley171@msn.com]  
Sent: Friday, May 24, 2002 2:50 PM  
To: khuffman@access.k12.wv.us  
Subject: student code of conduct-policy 4373

Dear Ms. Huffman,

I would like to comment on the proposed Student Code of Conduct Policy 4373. Overall, I think it is a much needed policy and most of the policy is acceptable. However, section 126-99-9, particularly paragraphs 9.2, 9.6, and 9.7 are unacceptable.

In paragraph 9.2, it is stated that a parent or guardian of a student, who is to be interviewed, must be invited to be present during the interview. This is not practical, especially when a Level I incident has occurred. Many parents work and cannot leave to listen to a five minute (or less) interview. Parents would be upset if they took time to come in, only to find out that their child did not have anything constructive to contribute to the investigation. I, as a teacher, do not have time to call or meet with parents concerning every minor incident that occurs at school.

Paragraph 9.6 states that an investigation will be completed as soon as possible but no later than one week following the reported violation. If a meeting must be held with the parent/guardian of every child involved in the investigation, most investigations could not be completed in one week. Parents may not be able to leave work on short notice and I can only meet with them during my thirty minute planning period per day. This paragraph also states that a written report must be submitted to the principal upon completion of an investigation. This is silly for a Level I violation that would only require a verbal notification for the principal's benefit.

Paragraph 9.7 requires a report in writing to the complainant and his/her parent/guardian. This is another waste of time for a Level I violation. Parents trust us to handle minor incidents. They are too busy to be concerned with trivial issues that can be resolved within the school setting.

Thank you for taking the time to read this and I hope this policy can be amended in order to resolve minor violations in a timely manner.

Sincerely,

Susan R. Hundley

Third Grade Teacher  
Clay Elementary School  
Clay, WV  
Phone:304-587-4276

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# Student Code of Conduct Comment Response Form

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Karen K. Larry

Title: WVDE, Administrative Assistant to the State Superintendent

Street Address: Charleston City/State/Zip \_\_\_\_\_

## Comments/Suggestions

### 126-99-1. General

✓ need positive comments - not negative  
✓ where is the Student Code of Conduct  
to which this refers  
policy is too long - signing contracts

### 126-99-2. Purpose.

✓

### 126-99-3. Application.

Writing in the negative rather than the positive format conveys what not to do rather than what to do. Emphasize what we want students to do, not what we do not want them to do. For example, "All students, during...by any of those agencies, will behave in a manner that results in a school environment that is nurturing, orderly, ..."

### 126-99-4. Planning.

### 126-99-5. Attendance.

5.1. Last sentence has agreement problem with noun/possessive pronoun -- "...each parent or guardian to send their child(ren)..." This should read "each parent or guardian to send his/her child(ren)..." or "all parents or guardians to send their child(ren)..."

**Student Code of Conduct (Policy 4373)**  
**Comment Response Form**  
**Page two**

**\*\*\*\*\*Something very important is missing here! Section §126-99-5 is titled "Attendance Policy." The next section is titled "Violations of the Student Code of Conduct." Where is the Student Code of Conduct that has to be in existence before a discussion of violations of it can take place? Should there not be Code of Conduct before the lengthy elaboration on violations of a code? No where in this policy is there a "code" of behaviors which students are to exhibit. There are pages of violations based upon negative behaviors. Where do students and others read about the behaviors appropriate in school? If we concentrate only upon what students are not to do, how do students learn what they are to do?**

**126-99-6. Violation.**

I have major concerns with a Code of Conduct that does not detail what conduct is appropriate, only what conduct is inappropriate. The listing of violations reads like a police manual. Is this what the school system wants?

**126-99-7. Suspension and Expulsion.**

**126-99-8. Complaint Procedures.**

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

Why would any school administrator want to invite a parent/custodian/guardian to be present during an interview of a student who had been tardy to class? If an administrator did want to interview a tardy student, such an interview could reasonably be conducted in the office when the student appeared for an admit slip not within the next week or so when the parent/custodian/guardian might be able to come to the school. Unintended consequences of following the policy as written need to be seriously considered. Perhaps more harm than good could result from some of these procedures.

**126-99-10. Agency Action and Reporting.**

Why does the Department of Education want to know of some of these violations? Such behaviors as cheating, talking, improper car parking, kissing, wearing an indecent item of clothing (whatever that might be), refusing to open a book or work with another student, leaving the cafeteria without permission, being late for class, etc. are all matters that should be addressed at the school level. Keeping track of such student behaviors at the state level appears to have no useful purpose. What would the WVDE do with reports of such behaviors?

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

**Student Code of Conduct (Policy 4373)**

**Comment Response Form**

**Page three**

**126-99-13. Policy Dissemination and Training.**

Printing such a technical document in a student handbook may well produce little effect. Additionally, a 15 page state policy makes for a very lengthy student handbook. Students, like adults, are more likely to read a brief document rather than one that is a volume. As adults, we ask for executive summaries of very long documents. Perhaps an executive summary of this document would more likely be read by a majority of the people involved?

I am not convinced that "requiring" each student and his/her parent/guardian to sign a contract re. this policy will result in a signed agreement. Schools are forever struggling to get some parents to sign applications for free and reduced lunches, contracts for student behavior, IEPs, permission slips for activities, etc. This will be no different for some parents. We are in a position to require the school to send such a contract home, but I do not believe we are in a position to require the parent/guardian to sign such a document.

**126-99-14. Assessment of Effectiveness.**

What is the measure of effectiveness? A listing of incidences, actions taken, and training conducted does not address the effectiveness of the policy. Such a listing is merely a numerical account of events. What is the intended outcome of this policy?

**126-99-15. Classification as a Persistently Dangerous School.**

**126-99-16. Prevention and Intervention Training.**

**Return comments by May 27, 2002 to:**

**Karen Huffman  
Assistant Director  
West Virginia Department of Education  
Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-9969  
E-mail: khuffman@access.k12.wv.us  
FAX: (304) 558-1613**

**Lenore Zedosky**

**From:** Linda McKinney [mckinneyl3@hotmail.com]  
**Sent:** Friday, May 24, 2002 1:58 PM  
**To:** lzedosky@access.k12.wv.us  
**Subject:** newguidelines

✓ policy prevents timely response to discipline

I am writing in reference to the following information that is up for input from educators across the state. I feel that the procedures outlined will stop efficient control of handling discipline problems within the learning environment. The need to stop incidents in a timely manner is an important one. This plan is time consuming and as educators we know that in most cases the time span for these steps for minor infractions could extend into days or even weeks. I feel that legal steps like the ones outlined should pertain to severe discipline as our current guidelines state. The steps follow lawyers guidelines and yes we as educators should and do take our students rights seriously but extremes are being initiated that will cause major problems.

9.1. 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 §126-99-8, above.

9.2. 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 this policy, efforts shall be made to contact the student's parent, custodian, or guardian and invite them to be present during such interview.

9.3. 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.

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

9.5. 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 past 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.

9.6. The investigation will be completed as soon as practicable but no later than one week following the reported violation. The investigator shall make a written report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. County procedures must be developed to determine which reports are then submitted to the county superintendent and/or county board of education.

9.7. 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.

9.8. 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.

**§126-99-10. Agency Action and Reporting.**

10.1. 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.

# Ritchie County Middle - High School

John Dittlow, Principal

105 or 107 Ritchie County School Road  
Ellenboro, WV 26346  
Phone: (304) 869-3512 or (304) 869-3526  
Fax: (304) 869-3031

5-24-07

To: Karen Huffman,

Sony for the handwritten note; but it is a hectic time of year for school Principals, and a terrible time to have to review & comment on proposed policy; in particular

~~Handwritten note~~

- In general, the policy erodes relationships with children.
- a Policy does not change students; high expectations does
- A behavior contract to be sent home & signed & returned is unnecessary. Couldn't get them back anyway!
- "Agency" reporting is ~~is~~ impossible!! worked with DHHR lately?
- This is not a code of conduct; it is a discipline policy!
- Who are these "mystical" people I have, to assign ~~to~~ investigate
- A written report back to complainant is none of their business most of the time
- Not enough differentiation between the 4 levels.
- Impossible to make the amount of parent contact called for.
- Who is going to enter all this stuff in WVEIS; would be doing it every 20 minutes
- Victims of violent criminal offenses need a "court date" & a jury.
- Passing this policy is a vote against my ability to run a school
- Were Principals on the committee who wrote this thing???

John L. Dittlow  
Principal

RCMS

RCMS

## STATEMENT OF NON-DISCRIMINATION

As required by federal laws and regulation, the Board of education for the County of Ritchie does not discriminate on the basis of race, color, sex, age, national origin, handicapping condition, political affiliation, or marital status, in employment of education programs and activities. An equal opportunity / affirmation action employer. Inquiries may be referred to the Title IX and Section 504 coordinator at 134 South Penn Ave., Harrisville, WV 26362, or telephone (304) 643-2992 or the United States Department of Education, Director of the Office of Civil Rights

(No time left for any of the other duties a Principal has!!  
like supervising instruction!!! maybe

## Policy 4373: Student Code of Conduct

### Comment Response Form

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: *Deborah Ahus Meren County Schools*

Title: *Superintendent*

Street Address: City/State/Zip

### Comments/Suggestions

#### 126-99-1. General

*Professionals need to be treated as such. We need to give them the flexibility to make decisions based upon the situation as they assess it. This policy is too prescriptive.*

**126-99-2. Purpose.**

**126-99-3. Application.**

*The policy in general micromanages schools and school systems.*

**126-99-4. Planning.**

**126-99-5. Attendance.**

**Student Code of Conduct (Policy 4373)****Comment Response Form****Page two****126-99-6. Violation.**

Actions are too prescriptive. You have not allowed the professional to use their judgment of the situation. If a student has violated the code of conduct under Level I violations several times, the punishment may need to be more severe than the policy allows. This policy will lead to more discipline problems within our schools.

**126-99-7. Suspension and Expulsion.****126-99-8. Complaint Procedures.**

Complaint procedures are unclear. Do these apply to all disciplinary problems. If so, the paperwork will consume all of us.

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

**126-99-10. Agency Action and Reporting.**

Too much reporting, too much paperwork.

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

Policy 4373 -- Student Code of Conduct

558-1013

**Policy 4373: Student Code of Conduct**

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Kathleen M Loretta

Title: Comp. School Health Supervisor  
Harrison Co Schools

Street Address: City/State/Zip 408 EB Saunders Way  
PO Box 1370  
Clarksburg  
WV 26301

**Comments/Suggestions**

**126-99-1. General**

**Policy 4373 -- Student Code of Conduct**

**126-99-15. Classification as a Persistently Dangerous School.**

Please consider counting only level <sup>4</sup> violations when defining a Persistently Dangerous School. Please look at large vs small schools when applying this policy to % rates. It would also be good to give schools a chance to

**126-99-16. Prevention and Intervention Training.**

bring those rates down on their own in a 3 year trend manner.

**Return comments by May 27, 2001 to:**

↓  
Holiday

**Karen Huffman**

05/06/2002

**Karen L. Huffman, Ed. D., Assistant Director**

---

**From:** Nancy Harry [neharry@access.k12.wv.us]  
**Sent:** Wednesday, May 29, 2002 11:01 AM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Student Code of Conduct - Comments

Karen,  
I am offering the following comments regarding the Student Code of Conduct currently out for public comment:

Classification as a Persistently Dangerous School: Level IV violations which result in possible expulsion from school should be used to determine persistently dangerous schools because these violations are the serious incidences that are in code. Violations listed as Level III that are in code and may result in expulsion should become Level IV violations and be measured. Using Level II, III and IV violations provides too many indicators for the WVDOE to collect and analyze.

15.2 & 15.3: It is not clear what the 60% and 75% is or how it is calculated. Any calculation must take into consideration the size of a school. The number of expulsions for a Level violation would be a better measurement and would fall in line with what other states are currently using. A suggestion of measurement for a school of fewer than 300 students would require that three expulsions over a three-year period of time would label a school as being persistently dangerous. A larger school would be labeled as such if one expulsion for every 100 enrolled students or fraction thereof occurs over a three-year period of time.

Thank you for your consideration of these comments.  
Nancy Harry, Supervisor  
Safe & Drug-Free Schools Coordinator  
Marion County Schools

Shirley -

ONE  
more !!

## Shirley McGraw

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Tuesday, May 28, 2002 9:26 PM  
**To:** Shirley McGraw  
**Subject:** FW:

-----Original Message-----

From: kse92501@s10005.netschools.com  
[mailto:kse92501@s10005.netschools.com]  
Sent: Tuesday, May 28, 2002 7:33 PM  
To: Karen L. Huffman, Ed. D., Assistant Director  
Subject:

My name is Kimberly Edgell  
I've fixed a few typos  
thank you

=====  
On 05/24/02 Karen L. Huffman, Ed. D., Assistant Director  
<khuffman@access.k12.wv.us> wrote:

Thank you for your comments. In order for this comment to be included in the comment log, please indicate your name on a reply to this e-mail. Thank you again for taking the time to comment.

-----Original Message-----

From: kse92501@s10005.netschools.com  
[mailto:kse92501@s10005.netschools.com]  
Sent: Friday, May 24, 2002 11:31 AM  
To: khuffman@access.k12.wv.us  
Subject:

Investigation procedures should only apply to levels III and IV. It is absurd to do investigations on any minor offense. This procedure will also take away instructional time as all there will be time for documenting minor offenses. The process will encourage teachers not to report as their word will be questioned each and every time.

Parent conferences for offenses other than levels III and IV at not practical. Many of our parents in the area that I work in, work full time or are economically at lower levels and do not have transportation or telephones. The conferences would also delay the punishment giving more power to the student.

Designating schools as Persistently Dangerous Schools need to be more well defined. Smaller schools with few students who are disciplined at a higher rate for repeat offenses that are not necessarily violent will up the percentage rates and skew the results. After the designation, this will cost the counties and state money which could be better spent elsewhere. It is also difficult enough to hire teachers and keep them. A school designated as such would be at a disadvantage when looking for qualified personnel.

**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Wednesday, May 15, 2002 2:48 PM  
**To:** Shirley McGraw  
**Subject:** FW: Cooments on Policy 4373

-----Original Message-----

**From:** Susanna Villers [mailto:svillers@access.k12.wv.us]  
**Sent:** Wednesday, May 15, 2002 1:32 PM  
**To:** Karen L. Huffman  
**Cc:** sue villers  
**Subject:** Cooments on Policy 4373

126-99-9

It is not realistic that parents will be contacted when any student is interviewed for all of the offense outlined in this policy. Many of the less serious offenses could be handled without prior parental notification. Perhaps that procedure could be reserved for more serious offenses.

126-99-15

I hope data will be gathered through WWEIS.

**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Saturday, May 18, 2002 8:41 AM  
**To:** Shirley McGraw  
**Subject:** FW: Comments-Policy 4373-Student Code of Conduct

-----Original Message-----

**From:** Lenore Zedosky [mailto:lzedosky@access.k12.wv.us]  
**Sent:** Friday, May 17, 2002 10:22 AM  
**To:** Karen Huffman  
**Subject:** FW: Comments-Policy 4373-Student Code of Conduct

For your comment log.

Executive Director,  
Office of Healthy Schools  
West Virginia Department of Education  
1900 Kanawha Blvd. E.  
Charleston, WV 25305  
Phone: 304-558-8830  
Fax: 304-558-3787

-----Original Message-----

**From:** Bill Niday [mailto:wniday@access.k12.wv.us]  
**Sent:** Friday, May 17, 2002 10:09 AM  
**To:** lzedosky@access.k12.wv.us  
**Subject:** Comments-Policy 4373-Student Code of Conduct

I am concerned about this policy being too specific. It appears that county boards of education and schools will have very little latitude in their discipline policies. I also disagree with a cookbook approach to discipline. I believe administrators and teachers are paid to make judgments about the type of discipline that is appropriate for students. This policy removes some of the decision making authority for teachers and administrators. I understand that for serious offenses (Level 4 in this policy) there needs to be serious consequences. The Safe Schools Bill dealt with this and I believe it has been effective. I believe, however, that this policy goes too far in defining specific consequences for specific offenses. I do not believe a State Policy should address these issues with this type of specificity.

Bill Niday, Principal  
Parkersburg High School

**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Thursday, May 16, 2002 7:33 PM  
**To:** Shirley McGraw  
**Subject:** FW: Student Code of Conduct Policy-(4373)

-----Original Message-----

**From:** WV Family Foundation [mailto:wvff@afo.net]  
**Sent:** Thursday, May 16, 2002 5:54 PM  
**To:** Karen Huffman  
**Subject:** Student Code of Conduct Policy-(4373)

Dear Ms. Huffman:

The purpose of this letter is to comment on the Student Code of Conduct policy [http://wvde.state.wv.us/policies/p4373\\_co.html](http://wvde.state.wv.us/policies/p4373_co.html) that is currently being reviewed by the public.

The policy appears to be well written and covers the expectations of both the WV State Legislature and the WV State School Board, wherein to make schools a safe place for all children while they learn in an environment free from harassment and other form of unacceptable behavior.

The policy is very clear and precise as to what behavior is expected of students while at school, and equally clear as to the behavior that is not acceptable and to include the consequences of such behavior and violation of the policy.

I am particularly pleased that item 6.1.3a Bullying/Harassment/Intimidation is absent of classification or groups of people as this would be extremely divisive. In addition, this would have lead to a never-ending list of classification in an effort to ensure all students are protected from this kind of damaging behavior.

This section of the policy is clear that there is "zero tolerance" for all forms of this type of behavior.

Those involved in developing this policy should be highly commended. I strongly urge the WV State School Board to adopt this policy as written.

Kevin McCoy, President  
West Virginia Family Foundation  
(AFA of West Virginia)  
304-965-6700

**Shirley McGraw**

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Thursday, May 16, 2002 7:17 PM  
**To:** Shirley McGraw  
**Subject:** FW: Comment Policy 4373

-----Original Message-----

**From:** Dianna Buchman [mailto:dbuchman@access.k12.wv.us]  
**Sent:** Thursday, May 16, 2002 12:54 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Comment Policy 4373

**Policy 4373: Student**

**Code of Conduct  
Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Dianna L. Buchman

Title: Principal

Street Address: PO Box 635 Ceredo, WV 25507  
City/State/Zip \_\_\_\_\_

**Comments/Suggestions**

**126-99-1. General**

**126-99-2. Purpose.**

**126-99-3. Application.**

**126-99-4. Planning.**

**126-99-5. Attendance.**

**Student Code of Conduct (Policy 4373)  
Comment Response Form  
Page two**

**126-99-6. Violation.**

**126-99-7. Suspension and Expulsion.**

**126-99-8. Complaint Procedures.**

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

The section requiring parents to be contacted and invited to be present during investigation makes the process cumbersome at Level I and possibly Level II. At the elementary level we need to investigate and resolve issues quickly so that students remember the problem. To contact parents at Level I would slow down the process greatly. Also, the more individuals involved in the investigation the greater the possibility of a breach of confidentiality. (Parents talk).

**126-99-10. Agency Action and Reporting.**

This section requires too many reports to be written and filed. If all Level I violations (as I interrupt the policy) must have a written report filed, the local level as well as the state level will be covered in paperwork. If a report has to be filed every time I reprimand a student or place them in detention I will get little else done. Currently, many of us do a thorough job of documenting, reporting to parents, and filing out the necessary reports. Discipline is not my only job. If the reporting is for all levels of student conduct, I will get nothing else done in the day.

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

**Student Code of Conduct (Policy 4373)**

**Comment Response Form  
Page three**

**126-99-13. Policy Dissemination and Training.**

What happens if parents refuse to sign the behavior contract? Some will not even look at it and it will not be returned signed.

**126-99-14. Assessment of Effectiveness.**

What is the criteria for determining the rate of violations? What allowances will be made for schools that are lax in reporting violations. These schools will look more effective than those of us who are meticulous in reporting what we are asked to report.

**126-99-15. Classification as a Persistently Dangerous School.**

**126-99-16. Prevention and Intervention Training.**

We no longer have full day Faculty Senate Day release time to provide training for teachers. When are we going to provide this training for teachers?

**Return comments by May 27, 2002 to:**

**Karen Huffman  
Assistant Director  
West Virginia Department of Education  
Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-9969  
E-mail: [khuffman@access.k12.wv.us](mailto:khuffman@access.k12.wv.us)  
FAX: (304) 558-**

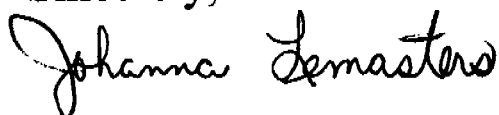
5/10/02

Dear Ms. Huffman,

I am writing to you with the following concerns about the proposed changes to Policy 4373:

1. Smoking and alcohol use should be classified as illegal acts and have the same consequences.
2. Having parents into the school for conferences following each violation would be impossible. Many people in rural areas do not even have phones.
3. There are too many interventions for offenses. Parents would complain and wonder why one intervention was picked and not another.
4. A student cannot be denied enrollment into school even without records when we have been told for years that a kindergarten student **MUST** have immunizations and a **CERTIFIED** birth certification before they can enter school. Has this rule been changed, too?
5. Attendance should count for course credit. How can a student gain knowledge when he/she is not present in the class for 20 days?

Sincerely,



Johanna Lemasters

May 10, 2002

Karen Huffman  
Assistant Director  
Student Support Services and Assessment

Dear Ms. Huffman,

This letter pertains to the proposed changes of policy 4373 – Student Code of Conduct. After reviewing the proposed changes developed by your Board, I have some concerns that I would like to address.

The first area of concern that I would like to note is under section 126-99-6 Violations of Student Code of Conduct; Level I, letter j. which states; Smoking-including all forms of tobacco products. Under this proposed policy it is considered a Level I violation with appropriate interventions as determined by local policy, which include but are not limited to: Student reprimand, in-school detention, etc. According to the proposed policy you have also listed alcohol as a Level III violation, and a controlled substance as a Level IV violation. My question or concern for this Board is in how they determined this decision of tobacco being under the Level I violation? According to our State Law any use of tobacco under the age of 18 is against the Law. I would like some clarification on how this decision was determined in compliance with state law?

The second area I would like to discuss is stated under Level IV Responses. The terminology of "**dangerous student**". A dangerous student is defined as a student who is likely to cause serious bodily injury to himself or another individual within that student's educational environment, which may include alternative education. This proposed plan would include all students attending that school. How will this be addressed with a 4-year-old preschool student? Preschool children attend preschool to develop socialization skills and bodily injury to themselves and other individuals will more than likely occur within that preschool setting (pushing, shoving, grabbing, etc.) Are we then to document and label these **4-year-old preschoolers "dangerous students"** at the age of four? Which in

turn will statistically label our school a "dangerous school". In conjunction with your proposed policy and the term "dangerous student", my next issue would be with 126-99-9 Investigation Procedures, number 2; which reads Investigation must, at a minimum, consist of a personal interview with complainant, the individual against the complaint was made, others who may have knowledge of the alleged incident, and other methods and review of circumstances deemed pertinent. **When any student is interviewed, efforts shall be made to contact student's parent/guardian and invite them to be present during the interview.** According to your proposed policy, before I would intervene with preschoolers pushing each other, then I must contact their parent/guardian before verbally reprimanding them and telling them to stop and keep their hands to themselves. What are the Board's support services they have in place to assist administration and professionals in follow through of this proposed policy?

Thank you for taking the time to read and respond to my concerns. I look forward to hearing from you. I may be contacted at 775-4221 or e-mail address [HCA71@aol.com](mailto:HCA71@aol.com).

Sincerely,

Holly Ashby, MA EISE  
Preschool Special Education

Home Address:  
Route 3 Box 75AA  
Mannington, WV 26582

**Policy 4373: Student Code of Conduct**

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: *Tyler Consolidated High School*  
*Jimmy Wyatt*

Title: *Principal*

Street Address: City/State/Zip *1993 Silver Knight Drive*  
*Sistersville, W. V.*  
*26175*

**Comments/Suggestions**

**126-99-1. General**

*This is an unneeded document that is poorly organized and only complicates the issue of having an orderly well managed schools. The total document needs rejected.*

**126-99-2. Purpose.****126-99-3. Application.****126-99-4. Planning.**

**126-99-5. Attendance.**

This philosophy sounds good but does nothing to help our county. The proposed attendance policy deleting withdrawal of credit for excessive absenteeism does damage to any effective attendance program.

**Student Code of Conduct (Policy 4373)**

**Comment Response Form**

**Page two**

**126-99-6. Violation.**

This is an absurd clumping of violations which when a county changes the level of an offense would leave the system wide open to frivolous lawsuits because the state says . . . .

**Policy 4373: Student Code of Conduct  
Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Wilma Dale / Marlinton Elementary School

Title: Principal

Street Address: 926 Fifth Avenue City/State/Zip Marlinton, WV  
24954

**Comments/Suggestions**

126-99-1. General

126-99-2. Purpose.

126-99-3. Application.

126-99-4. Planning.

126-99-5. Attendance.

**Student Code of Conduct (Policy 4373)  
Comment Response Form  
Page three**

**126-99-13. Policy Dissemination and Training.**

**126-99-14. Assessment of Effectiveness.**

**126-99-15. Classification as a Persistently Dangerous School.**

**126-99-16. Prevention and Intervention Training.**

**Return comments by May 27, 2001 to:**

**Karen Huffman  
Assistant Director  
West Virginia Department of Education  
Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-9969  
E-mail: [khuffman@access.k12.wv.us](mailto:khuffman@access.k12.wv.us)  
FAX: (304) 558-1613**

**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 20, 2002 2:58 PM  
**To:** Shirley McGraw  
**Subject:** FW: Policy 4373 Student Code-Conduct

-----Original Message-----

**From:** Ali Click [mailto:rachaelcc@yahoo.com]  
**Sent:** Monday, May 20, 2002 11:23 AM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Policy 4373 Student Code-Conduct

**Attention: Ms. Karen Huffman:**

**I first of all wish to commend your committee on the amount of work and thought that has gone into the Student Code of Conduct Policy (4373). I work in the school system and wish to see our children safe, also. I believe you have addressed this well. The policy describes what students can expect while at school and the consequences of violating the policy. I believe the policy will address Bullying, Harassment and Intimidation for ALL students. Sincerely, Mrs. Alice Click, state director for Concerned Women for America**

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**Do You Yahoo!?**

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**Shirley McGraw**

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Wednesday, May 22, 2002 8:01 PM  
**To:** Shirley McGraw  
**Subject:** FW: Code of Conduct Policy

-----Original Message-----

**From:** Bob Harris [mailto:rkharris@access.k12.wv.us]  
**Sent:** Wednesday, May 22, 2002 3:42 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Code of Conduct Policy

From Robert K. Harris, Assistant Superintendent

Wood County Schools

RE: Policy 4373

The policy is too lengthy and too comprehensive in terms of what has to be done at the county level to implement the policy. Too many levels and codes to use. I see counties being stifled by the wordage. I believe this type of policy is usually ignored by schools because it is too difficult to implement. It will take hours of training to make certain it is understood and implemented. Are the WVEIS codes up to date and understood by all? Can we have more consideration for the work load of teachers and principals while being supportive through policy? I do not envy your task.

## Shirley McGraw

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**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Wednesday, May 22, 2002 8:05 PM  
**To:** Shirley McGraw  
**Subject:** FW: POLICY 4373

-----Original Message-----

From: Charlotte Hutchens [mailto:chutchens@access.k12.wv.us]  
Sent: Wednesday, May 22, 2002 3:14 PM  
To: khuffman@access.k12.wv.us  
Subject: POLICY 4373

Charlotte Hutchens  
Raleigh County Schools  
105 Adair St.  
Beckley, WV

126-99-9 Investigation Procedures

Completing investigation within a week may be impossible to accomplish.

Confidentiality will be extremely difficult to maintain.

Reporting results of investigation would cause additional problems.

(conflict among families, students, etc.)

126-99-13

What happens if parent and/or student refuse to sign contract?

126-99-15

This entire section concerns me. Labeling a school as Persistently

Dangerous is a bold move. What kind of assistance would be provided?

If a county only has only one high school, what would be the implications

for providing an alternate school?

How long does a school carry the Persistently Dangerous label?

Under what conditions is the label removed?

## Shirley McGraw

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Thursday, May 23, 2002 3:48 PM  
**To:** Shirley McGraw  
**Subject:** FW: feedback on student code of conduct

-----Original Message-----

From: Paula Sanders [mailto:sanders26601@yahoo.com]  
Sent: Thursday, May 23, 2002 12:22 PM  
To: khuffman@access.k12.wv.us  
Subject: feedback on student code of conduct

Hi Karen,

Carolyn Long gave our Braxton County group, Support Our Schools, the Student Code of Conduct and response form which our group will discuss tonite. I will be at dress rehearsal for our play opening Friday nite and cannot attend that meeting.

My personal comments, since I cannot attend are:  
126-99-6 violation.

\*\*c. Clarify what disobeying a teacher consists of. This has been designated a Level III and experience tells us that different teachers will interpret disobedience differently. Level III should be something serious or move it to Level I.

\*\*d. Why is profanity to students a Level I and to teachers a Level III, if the purpose of this policy is to deal with harrassment and bullying of students? If the policy is about protecting students, the language and violations and procedures should stick to that subject. There is alot in this policy which in my opinion has nothing to do with protecting students from harrassment.

\*\*h. which school policies? this should be defined.

126-99-7-Suspension and Expulsion.

\*\*7.5- again- please define what disorderly conduct and interfering with educational process consists of. Interpretation can actually cause harrassment and bullying by adults in charge. We see this regularly with untrained adults in control of children who may be willful or outspoken, often quite bright, but not necessarily disorderly and also, not necessarily having anything to do with threatening, bullying or harrasing others.

126-99-9. Investigation Procedures

\*\*9.8-last sentence- disciplinary action against whom? It is implied that the disciplinary action may be against students, but teachers and administrators should not be allowed to discuss children openly. Confidentiality is not routinely respected in school systems. There does not seem to be any repercussions for teachers who breech confidentiality.

\*\*

\*\*In general, I found this policy does address harrassment and bullying of students by students, but I believe it goes far beyond that. It seems to include areas which actually have very little to do with that problem and I feel they should be eliminated from this policy. For instance, disorderly conduct on a school bus...what does that mean and what does that have to do with bullying and harrassment of other students? Can a bus driver put a 6 year old off a bus onto the side of the road because he did not know how to handle the child? We know that has happened, now there is language saying the bus driver can do that? I feel the wiggle room for interpretation on the above issues could mean some teachers and drivers could actually harrass and bully students using this policy. You should have parents involved in this process more, both as part of the complaint procedures, investigation procedures, agency reporting, training, assessment of effectiveness and in the writing of policies like these. That is what our group, Support Our Schools and the National PTA have suggested as part of their standards. More Family Involvement with schools at every level. Thank you for the opportunity to comment.

Paula Sanders, 85 Middle Run Rd., Sutton, WV 26601

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**Policy 4373: Student Code of Conduct  
Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Danny Brown

Title: Principal, Clay Elementary School

Street Address: 100 Church Street, P. O. Box 600

City/State/Zip: Clay, WV 25043

**Comments/Suggestions**

**126-99-1. General**

General Comments: This policy is not needed. Principals, central office administrators, and local boards should make these decisions. This policy is both too broad (It tries to cover too many different situations.) and too specific (It provides too much detail on how to deal with those situations.) It takes away flexibility and takes valuable time to implement--time that could be spent on more productive issues, such as curriculum and instruction. If this policy were to be implemented, it would require the funding and hiring of an investigative administrator at each school. Present personnel do not have the available time to comply with all of the requirements. This policy is simply not needed and would be detrimental to running a safe and efficient school.

**126-99-2. Purpose.**

**126-99-3. Application.**

**126-99-4. Planning.**

**Student Code of Conduct (Policy 4373)  
Comment Response Form  
Page two**

**126-99-5. Attendance.**

**126-99-6. Violation.**

**126-99-7. Suspension and Expulsion.**

**126-99-8. Complaint Procedures.**

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

- 9.2 Requiring investigators to call parents prior to interviewing students and inviting them to be present during the interview is not realistic. This will cause discipline to grind to a halt. Investigators do not have the time to call each individual parent and arrange a time for them to be present. During a busy day, 15-20 students or more may be disciplined, and each of these cases could require multiple interviews. This is a cumbersome and time-consuming policy that would be detrimental to student conduct, safety, and an efficient and orderly learning environment.
- 9.7 Parents of students who are disciplined are notified of the offense and the actions taken. To require parents of all students involved to be notified, even if

the charges could not be substantiated, is not necessary. It would be time-consuming and serve no useful purpose. Principals do not need additional paperwork.

**126-99-10. Agency Action and Reporting.**

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

**126-99-13. Policy Dissemination and Training.**

**126-99-14. Assessment of Effectiveness.**

**126-99-15. Classification as a Persistently Dangerous School.**

**Student Code of Conduct (Policy 4373)  
Comment Response Form  
Page three**

**126-99-16. Prevention and Intervention Training.**

**Return comments by May 27, 2002 to:**

**Karen Huffman  
Assistant Director  
West Virginia Department of Education  
Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-9969  
E-mail: khuffman@access.k12.wv.us  
FAX: (304) 558-1613**

2203 National Road  
Wheeling, WV 26003

**Ohio County Schools**

# Fax

<b>To:</b> Karen Huffman West Virginia Dept. of Education	<b>From:</b> Mr. Lawrence Miller Superintendent
<b>Fax:</b> 304-558-1613	<b>Pages:</b> 4
<b>Phone:</b>	<b>Date:</b> 5/24/02
<b>Re:</b> Policy 4373 Comment Response Form	<b>CC:</b>
<input type="checkbox"/> <b>Urgent</b> <input type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>Please Comment</b> <input type="checkbox"/> <b>Please Reply</b> <input type="checkbox"/> <b>Please Recycle</b>	

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**126CSR99****Student Code of Conduct****Policy 4373:****Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Lawrence M. Miller, Ohio County Schools

Title: Superintendent



Street Address: 2203 National Road City/State/Zip Wheeling, WV 26003

**Comments/Suggestions****126-99-1. General.**

This policy could preclude discretionary action by the principal to discipline children with individually-tailored, compassionate, and appropriate action. Equality does not necessarily mean that the same action is applied to every child in similar cases.

**126-99-2. Purpose.**

Proactive and preventive approaches should be developed by local boards of education. Maximum discretion of the local school staff should be allowed.

**126-99-3. Application.**

The comprehensiveness of the application section is well-planned and is commendable.

**126-99-4. Planning.**

This section needs to be better correlated with existing state codes and the safe schools act so that county boards have clear direction for planning. The planning process may take longer and may not be accomplished in such a short time frame.

**126-99.5. Attendance Policy.**

The policy is a good one. However, even with all strategies applied, including mediation, the judicial system does not react quickly and is often unwilling to hear chronic attendance cases. In addition, the system rarely takes steps to force the parent to cooperate and send the child to school on a daily basis.

**126CSR99****Student Code of Conduct (Policy 4373)****Comment Response Form****Page two****126-99-6. Violation.**

The specific definition of terms for violations is restrictive. A more global view which allows for principal discretion should be presented. No list can ever be comprehensive so interpretation should be encouraged.

6.1 Grooming - What is disruptive or indecent dress and by whose standards? Can a dress code be implemented? Is a dress code permitted by law?

6.1.2 School Responses to Violations - O. In-School Suspension  
Funding needs to be provided to counties to establish in-school suspension rooms and staff to monitor the students.

6.1.3 Gang Activity - This should be a Level III violation rather than a Level II violation.

**126-99-7. Suspension and Expulsion.**

This section appears to be aligned with W.Va. Code 18A-5-1 and 18a-5-1a.

**126-99-8. Complaint Procedures.**

The requirement of written responses to every incident will incur massive amounts of time that will interfere with the operation of the school. Time lines for investigations will be very difficult to meet. The common sense of principals should be relied upon more than prescriptive policies.

**126-99-9. Investigation Procedure.**

County board investigations should be informal to the maximum extent possible. Only in cases where informal resolution is not possible should steps toward a formal investigation be undertaken. Requirements for parental contacts and written reports in every investigation is excessive, unrealistic and unnecessary in many cases, especially at Level I and Level II.

Section 9.4 and 9.5 gives the principal appropriate latitude. Perhaps, this section is all that is necessary. The rest of 126-99-9 is overly specific and burdensome.

**126-99-10. Agency Action and Reporting**

Is this the routine WVEIS entry? If it is, this is an acceptable procedure. If not, it is a duplication of unnecessary efforts.

**126CSR99****Student Code of Conduct (Policy 4373)  
Comment Response Form  
Page three**

- 126-99-11. Reprisal.**  
Separate last sentence of 11.1 into subsection 11.2.
- 126-99-12 Alternative Complaint Procedures.**  
This section for filing complaints is appropriate.
- 126-99-13. Policy Dissemination and Training.**  
What is the response if a student or guardian refuses to sign a contract agreeing to abide by the stipulation and consequences associated with violations?
- 126-99-14. Assessment of Effectiveness.**  
This section is consistent with current practices for submitting reports to the West Virginia Board of Education.
- 126-99-15. Classification as a Persistently Dangerous School.**  
If a school is to be labeled Persistently Dangerous, then the percentages should refer only to Level III and Level IV. The rate of percentage violations is arbitrary and unclear, 60% or 70% of what? How is accurate reporting assured? What positive outcomes will result from the classification of schools.
- 126-99-16. Prevention and Intervention Training.**  
Training on this policy would be imperative. Perhaps, additional funds could be provided to assist in offering quality programs. WVDE, RESAs and LEAs do not always possess the expertise necessary to offer training related to violence prevention, substance abuse prevention and other programs on behavior management.

=== COVER PAGE ===

TO: \_\_\_\_\_

FAX: 13045581613

FROM: PLEASANT HILL SCHOOL

FAX: 93546070

TEL: 3546022

COMMENT: CONFIDENTIAL

# FAX

**From: Pleasant Hill School  
Hc 68 Box 2  
Grantsville, WV 26147**

**Date:** 5-23-02

**To:** KAREN HUFFMAN

**From:** \_\_\_\_\_

**# of Pages:** 3

**Notes:** COMMENTS ON POLICY 4373

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**Phone: (304)354-6022**

**Fax: (304)354-6070**

**Student Code of Conduct****Policy 4373:****Comment Response Form**

126CSR99

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: LARRY STINN / PLEASANT HILL SCHOOL

Title: PRINCIPAL

Street Address: H668 BOX2 GAINSVILLE City/State/Zip 26147

Comments/Suggestions126-99-1. ~~General~~

General Comment: We increasingly insist academic programs be based on the best research. On what research are the levels and strategies in this policy based?

126-99-2. Purpose.

I agree wholeheartedly with the purpose of ensuring an orderly and safe environment conducive to learning.

126-99-3. Application.

126-99-4. Planning.

Please not another education program added on to everything else. Integrate it with character education which, in my view, should be integrated with other school programs.

126CSR99

126-99-5. Attendance.

Student Code of Conduct (Policy 4373)  
Comment Response Form  
Page two

126-99-6. Violation.

Please leave discretion to principals in determining the severity of a violation. Eg, is it Level I/Insubordination or Level III Disobeying a Teacher. The whole leveled system seems to ring to me. Our students are very well behaved. Focusing on negating

126-99-7. Suspension and Expulsion.

Behavior and punishment, I believe, especially for elementary students, would, I fear, make our school environment less orderly/safe. "The length of the suspension should be short." I rarely suspend out of school and hardly ever for more than one day. Punishment doesn't work. Teaching children appropriate behavior does. It develops self-discipline and a safe, orderly environment. Behaviors that are dangerous, threatening, etc., are an exception. Suspension is needed here.

126-99-8. Complaint Procedures.

126-99-9. Investigation Procedures.

These investigation and reporting procedures are unrealistic for Level II, II violations and some you list as Level III. Go back to the drawing boards. Gather principals and teachers from schools with excellent environments. Ask them for procedures that are realistic and effective.

126-99-10. Agency Action and Reporting.

**126CSR99**

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

**Student Code of Conduct (Policy 4373)  
Comment Response Form  
Page three**

**126-99-13. Policy Dissemination and Training.**

**126-99-14. Assessment of Effectiveness.**

**126-99-15. Classification as a Persistently Dangerous School.**

**126-99-16. Prevention and Intervention Training.**

**Policy 4373:**

**Student Code of Conduct  
Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Dr. Richard N. Butler, Ritchie County Schools

Title: Superintendent

Street Address: 134 South Penn Ave  
City/State/Zip Harrisville WV 26362

Comments/Suggestions

**WARNING:** The comments and suggestions that follow are blunt, sometimes sarcastic, and I hope at times, humorous. There is no intent to criticize any individual – I truly respect the effort of everyone who works hard to make education better in West Virginia and I realize that many many individuals know much more about this precious enterprise called education than I do. However, when something like proposed policy 4373 comes along to fix a problem that doesn't exist in a way that can't work – well, I have to respond.

If I complain about the policy and it passes anyway and the policy does great things – then I am embarrassed. I can live with that.

If I don't critique it and it becomes policy and practice and does harm and causes problems – then I share a guilt I can't so easily accept.

**126-99-1. General**

*I believe everyone in our state wishes to see the most nurturing and safest schools possible. However, philosophically, I believe that a student code of conduct should model those behaviors we wish to see in our school children, not delineate a criminal-code-like litany of offences, procedures and punishments.*

*The current Policy 4373 may be an appropriate policy to address a schools-run- amuck situation. But a good policy for a crisis situation can be a bad policy in the absence of the crisis it intends to address.*

*Taken as a whole, Policy 4373 is a giant vote of no confidence in the administrators, teachers, and, most importantly, the students in our schools. I challenge the Board to provide the data - we have no such crisis.*

**126-99-2. Purpose.**

**“These regulations require county boards to.... Outline investigatory and reporting procedures, and to delineate penalties for violations of this policy.”**

***Herein lays the general difficulty with Policy 4373 as written. Once an investigatory procedure is mandated by policy – it must be followed. Once a prescribed penalty is articulated – it must be administered. As a former principal with 13+ years over PK – 12 , I guarantee you there are many times that the prescribed course is exactly the wrong course for a certain child in their unique circumstances. If policy prescribes me to always be sterile in my handling of disciplinary situations, I will never be able to “invest” in a child the relationship that actually changes behavior. Policy 4373’s inflexible constraints reduce me to magistrate in my school. Just as the criminal code does little to change behavior in society, Policy 4373 will do nothing to change behavior in schools. People change people, policy never changes people.***

***The irony in this well-intentioned policy is that the ultimate effect will be the opposite of its good intent. First, Policy 4373, well implemented, will further de-humanize the critical process of school discipline. Secondly, it will so exhaust the administrators who try make the superhuman effort to follow the “investigatory and reporting procedures”, that they will have little time or energy to process the really important episodes that occur from time-to-time in our schools. Lastly, because it is virtually impossible to meet the “investigatory and reporting” requirements, the few students who deserve significant disciplinary action will have a policy provided challenge to their punishment when principals “single them out” for a truly thorough investigation.***

**126-99-3. Application.**

**126-99-4. Planning.**

**126-99-5. Attendance.**

**126-99-6. Violation.**

**“This policy classifies student violations of the Student Code of Conduct ....”**

***At this point Policy 4373 launches into 8 pages of definitions of violations to some imagined student code of conduct. I say imagined because I find nothing in Policy 4373 that articulates the positive high expectations we hold for all the students of West Virginia. There is no student code of conduct in this policy – only a list of “violations”. Policy 4373, as written, is a state-wide discipline policy - period.***

*As to the specific violations themselves, I'm sure you will get many comments on the categorization and apparent inconsistencies in and across levels. I'll leave the specifics to other commenters, but what is the difference between "Disobeying a teacher" (Level III), and "Insubordination/Unruly Conduct" (Level I)? Is smoking (Level 1, although illegal in WV) really less serious than pitching pennies (Level II)?*

**126-99-7. Suspension and Expulsion.**

*This section is a good articulation of what we already have in school discipline case law and WV Code 18A-5-1a.*

**126-99-8. Complaint Procedures.**

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

**9.1 "immediately undertake ... an investigation"**

*Never, never, never, use words like "never" (oops), "immediately", "every", "always" and "all" in policy requirements unless you are immediately and always ready for every risk that some smart dude will get away with it all. In other words, why give the truly bad guys opportunity argue whether you "immediately" did something or not when you could "promptly" do it instead.*

*More seriously, although most of our teachers are excellent managers of their classrooms – some are not. This section of 4373 allows weak or lazy teachers to abdicate their responsibilities for handling some of the most common discipline incidents such as tardiness, talking back, refusing to work etc. I can hear Miss "no rapport with kids" now demanding of beleaguered principals, "Policy 4373 says I am to report it to you and you are to handle it. By the way I want a written report of your investigation results as required by policy."*

**9.2 You guys were just kidding about the last sentence in number 9.2, right?**

*Hello, Dr. Johnson, sorry to bother you in the operating room, but Mrs. Johnson was unavailable. Mike was tardy to third period class and I need to know if you want to come over to the school when I talk to him. No? Oh sorry. It's just policy sir. Gee– I didn't know that was anatomically possible.*

*Besides being logistically near impossible, principals know when to include or*

*not include mom or dad in disciplinary conversations. There are times I absolutely don't want mom or dad there. I once had a middle school girl bring X-Lax laced cookies to school with her to get back at her friends for a perceived wrong – mom made them for her! Further, what if I don't invite mom or dad to some initial thing that appears trivial, yet it turns out to be very serious. Perhaps in not following the policy strictly I have given an additional point of argument to the wrong team.*

*9.6 and 9.7 Principals are certainly going to be relieved that no one expects them to be instructional leaders anymore – too many important 4373 reports to write to fool with teaching and learning. Who are these mythical people principals are going to assign investigating and reporting duties to?*

*9.7 Uh, pardon me but about half of the time it is none of the complaintant's business what the result of the investigation is.*

*Complaintant: "Dr. Butler, I saw Susie skipping 3<sup>rd</sup> period and I think she went into the girl's restroom to smoke."*

*4373 Report: After calling Susie's mom in from work to be present, I learned that the school nurse had sent Susie to the restroom with the necessary item to take care of her "problem".*

**126-99-10. Agency Action and Reporting.**

**10.3**

**9:01 am Dear Dr. Stewart – 2 students tardy to Homeroom**

**9:02 am Dear Dr. Stewart – student spilled milk in café – said "damn"**

**9:04 am Dear Dr. Stewart – student forgot book – teacher says insubordinate**

**9:04 am Dear Dr. Stewart – 2 students kissed (right on the lips) in hallway**

**9:04 am Dear Dr. Stewart – student vehicle discovered in teacher's lot**

**9:05 am Dear Dr. Stewart – student with too short skirt**

**9:07 am Dear Dr. Stewart – student bought Lions Club chance on 4-wheeler**

**9:07 am Dear Dr. Stewart – student office aid uttered profanity when he saw the office all cluttered with parents waiting to be interviewed with their children**

**9:08 am Dear Dr. Stewart – etc. etc. etc**

126-99-11. Reprisal.

126-99-12. Alternative Complaint Procedures.

126-99-13. Policy Dissemination and Training.

*I'm glad to see at the end of the policy that the dissemination of policy 4373 can occur at no cost - as can the training.*

13.3 Each student and his parent/guardian will be required to sign a contract...

## **OR ELSE!**

*Or else what? Great – principals can either kiss this whole contract thing goodbye or go out and begin every school year on a pathetic mission of requiring parents and students to sign the #\*&?@ contract. Nothing like starting the year out on a positive note. (By the way, students and parents won't even return free/reduced lunch forms that save them hundreds of dollars.)*

126-99-14. Assessment of Effectiveness.

126-99-15. Classification as a Persistently Dangerous School.

*Our current reporting procedures require us to report the most serious offences to the State Board. I don't think the Board really wants to know how many incidents we have where students disobey a teacher. I'm sure the feds don't.*

15.1 *[Stolen notes from beginning of the year administrators meetings, August 2003.] Superintendent speaking: "Okay men, this is baseline year – make sure that every incident close to Level II through IV are reported to WVDE at least once. Share incidents if you don't have enough of your own. That's the good thing about an arbitrary baseline – we get to define it."*

15.4 *I have a couple of questions on this.  
What if you're the only high school in the county?  
Who provides transportation?*

126CSR99

*What about personnel laws if lots of kids elect to leave?*

*What if it's the kids who caused the school to be "persistently dangerous" that want to go to a safer school?*

*Who determines that someone was "a victim of a violent criminal offense"? Does that not require a jury verdict in our country?*

126-99-16. Prevention and Intervention Training.

Return comments by May 27, 2002 to:

Karen Huffman  
Assistant Director  
West Virginia Department of Education  
Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-9969  
E-mail: [khuffman@access.k12.wv.us](mailto:khuffman@access.k12.wv.us)  
FAX: (304) 558-1613

**Policy 4373: Student Code of Conduct**

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: CHARLES K. HEINLEIN  
ST. MARYS HIGH SCHOOL  
1002 SECOND STREET  
ST. MARYS, WV 26170  
Title: PRINCIPAL

Street Address: City/State/Zip

**Comments/Suggestions**

**126-99-1. General**

**126-99-2. Purpose.**

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

If all Level 1 violation through Level 4 require parental contact it will create an unmanageable system. Example: for distracting class (disruption of educational process - normally a small issue here) results in detention. Therefore all detention that involve talking to kids require parental permission or attendance at meeting. Then a written report. Then a response

**~~126-99-10. Agency Action and Reporting.~~**

to the guardian. If all infractions of the Student Code of Conduct require this / very few infractions will be able to be processed. Many administrators needed to just do this. Check the WVEIS system for disciplinary reports by school or have schools submit totals of

**126-99-11. Reprisal.**

detentions, suspensions etc to see what you are asking. This is absolutely ridiculous probably written by someone who has never investigated a spit-ball or doesn't have the guts to practice administration where the junk written in Charleston is

**126-99-12. Alternative Complaint Procedures.**

implemented. Come here and apply this procedure for a week and I'll laugh at you on Friday!!

Melrose Elementary

Policy 4373:  
Student Code of Conduct

HC 71, Bx. 257  
Princeton, Wya. 24740

126-99-1 General

I feel that some of these guidelines are too limited in what actions can be taken after a student repeatedly misbehaves.

Too much elapsed time between an offense and discipline action

---

126-99-2 Purpose

We should make it clear to parents that we'll not tolerate student interruptions where the teacher can't follow thru with a lesson. With today's values and morals we don't always get support from parents.

126-99-3 Application

---

126-99-4 Planning

## 126-99-5 Attendance

Any violations (student interruptions) should be required to attend counseling at the school level w/ the guidance counselor.

---

## 126-99-7 Suspension and Expulsion

Melrose Elementary

Policy 4373:  
Student Code of Conduct

HC 71, Bx. 257  
Princeton, WVa. 24740

126-99-8 Complaint Procedures

---

126-99-9 Investigation Procedures

126-99-10 Agency Action and Reporting

---

126-99-11 Reprisal

126-99-12 Alternative Complaint Procedures

---

26-99-13 Policy Dissemination and Training

126-99-14 Assessment of Effectiveness

---

126-99-15 Classification as a Persistently Dangerous School

26-99-16 Prevention and Intervention Training  
I feel it should be mandatory that each student who is a high-risk student for violence, classroom interruptions must have counseling sessions with the guidance counselor at their school.

We feel each school should have a fulltime guidance counselor to handle a situation when the incidence occurs, not allowing for a time to elapse.

We feel the paperwork, etc. takes instructional time away from the students.

I26CSR99

*Policy 4373  
Student Code of Conduct*

Return comments by May 27, 2002 to:

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Assistant Director  
West Virginia Department of Education  
Building 6, Room 722  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-9969  
E-mail: [khuffman@access.k12.wv.us](mailto:khuffman@access.k12.wv.us)  
FAX: (304) 558-1613**

*The policy is too cumbersome Discipline  
as we know it would grind to a halt.  
You would have to hire 2-3 additional  
personnel to carry out all of the provisions  
included. The delays in the investigations  
could result in tainted and false reports.  
This policy is not efficient nor is it  
in the best interest of the students.  
This policy will thwart our efforts to provide  
for safe schools.* 20

*James O. Haynie  
U.P. Clay Co. H.S.*

126CSR99

*Policy 4373  
Student Code of Conduct*

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*Anita Stephenson*

126CSR99

*Policy 4373  
Student Code of Conduct*

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*Jaime Epine*

126CSR99

*Policy 4373  
Student Code of Conduct*

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*Cindy Willis, Principal  
Clay County High School.*

126CSR99

*Policy 4373  
Student Code of Conduct*

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*Connie Schomover*

126CSR99

*Policy 4373  
Student Code of Conduct*

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*Virginia Shepherd*

126CSR99


*Policy 4373  
Student Code of Conduct*

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*Thank you  
Karen*



126CSR99

*Policy 4373  
Student Code of Conduct*

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*John Lambey  
CCHS*

126CSR99

*Policy 4373  
Student Code of Conduct*

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*Richard Wilkin  
CCHS*

# CLAY COUNTY HIGH SCHOOL

## CAREER & TECHNICAL CENTER

*A National School of Excellence*

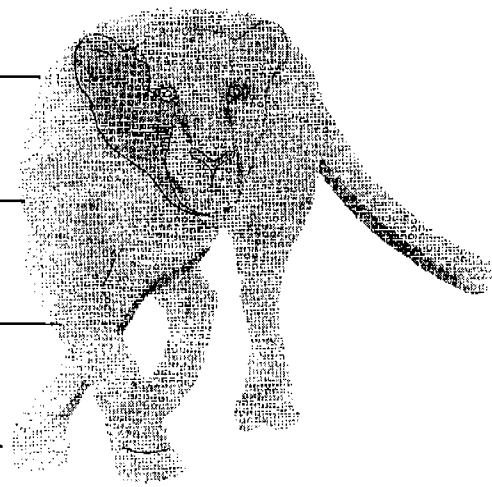
One Panther Drive • P.O. Box 729 • Clay, West Virginia 25043

**DATE:** May 24, 2002

**TO:** Karen Huffman

**FAX NUMBER:** (304) 558-1613

**FROM:** James Haynie



**FAX NUMBER: (304) 587-2723**     *Home of the Panthers*

**Comments:** \_\_\_\_\_  
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**PAGES INCLUDING COVER PAGE:** 10

**PRINCIPAL:** Mrs. Cindy Willis  
**VICE PRINCIPAL:** Mr. James Haynie  
**SECRETARY:** Valerie Brown, CPS  
**MAIN OFFICE:** (304) 587-4226

**VOCATIONAL DIRECTOR:** Mrs. Connie Schoonover  
**VOCATIONAL OFFICE:** (304) 587-4743  
**VOCATIONAL OFFICE FAX:** (304) 587-7698

**Karen L. Huffman, Ed. D., Assistant Director**

---

**From:** Warren Grace [wgrace@access.k12.wv.us]  
**Sent:** Tuesday, May 07, 2002 2:54 PM  
**To:** khuffman@access.k12.wv.us  
**Cc:** wgrace@access.k12.wv.us  
**Subject:** Proposed Changes to Policy 4373 Student Code Of Conduct

For the record, I am very much opposed to the aforementioned policy. As a secondary school principal with 20 years of secondary school administrative experience, I am very much aware that high schools throughout the state currently have in place disciplinary policies and procedures that are working very effectively. To implement a policy of this nature would certainly undermine the local control of local secondary schools. If the OEPB determines that certain specific schools are in need of state control, then take care of that problem. Leave the rest of us alone. I am quite sure that the State Board has other, more pressing issues to address. I might add that MOST school principals in our state DO NOT know anything about the proposed new policy regarding student conduct. This is the busiest time of the school year for every secondary school in the state. The comment period ending May 27th is certainly not enough time for appropriate comment from high school personnel. There are many portions of the policy that are unenforceable and will cause us to delete most of our Student Handbook. A policy as far-reaching as this certainly deserves more time and input from the secondary school administrators and other personnel. I would ask that this policy be placed on the "back burner" to allow reasonable input. Thanks. Warren Lee Grace, Jr. Principal, Padon City High School.

5/8/02

**Shirley McGraw**

---

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Wednesday, May 01, 2002 1:47 PM  
**To:** Shirley McGraw  
**Subject:** FW: comments on policy 4373-student code of conduct

Attached is an e-mail comment I received on Policy 4373. I haven't had a chance to discuss this with you, but comments on this policy AND the Attendance Policy (4110) will be coming to me.... Please e-mail me to let me know approximately how many, if any, comments you have received for each policy. Thanks!!!

I'm glad you are back.

-----Original Message-----

**From:** Brenda Tanner [mailto:btanner@access.k12.wv.us]  
**Sent:** Wednesday, May 01, 2002 12:23 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** comments on policy 4373-student code of conduct

comment on 126-99-15-classification as a persisitently dangerous school

No wonder WV can not find/keep teachers and particularly administrators!!! We are "judged" on test scores and attendance and now behavior??!!! This is terrible, whoever came up with this idea mustnot have been working with middle and high school aged students for 10 years. We are dealing with many students who have nor show any respect for anyone who is in authority. Regardless of what the students do (in or out of school) there are not many consequences and never seem to have to be accountable for their actions. We are already seeing many people taking their shildren and fleeing the public school system, mainly because of the lack of discipline which takes away academic instruction from the students who come to school and do what they are suppose to. The infractions and the use of the level system is good--BUT but if we go by those and use the consequences then we may be call a "Persisitently Dangerous School"???--HOGWASH! Again we will be placed in a no-win situation. Brenda Tanner, Principal-Cabell County Alternative School --I have been an administrator in our school system 22 years.

OK - on log

**Policy 4373: Student Code of Conduct**

**Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

**Individual/Organization:**

David B. Weekley - Ritchie County Schools

**Title:** Director Student Support Services

**Street Address: City/State/Zip**

134 South Penn Ave  
Harrisville, WV 26362

**Comments/Suggestions**

**126-99-1. General**

**126-99-2. Purpose.**

**126-99-3. Application.**

**126-99-4. Planning.**

**126-99-5. Attendance.**

**Student Code of Conduct (Policy 4373)**

**Comment Response Form**

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**126-99-6. Violation.**

6.1.1g Insubordination - This is a level I violation yet 6.1.5c Disobeying a Teacher is a level III violation. They are the same thing. Also, 6.1.5c is a level III yet smoking is a level I. In addition, we are getting very close to violating freedom of speech and freedom of assembly when we say two (2) or more people cannot gather for the purpose of discussing promoting gangs in 6.1.3gA(c)

6.1.6d Agency notification - It does not say this is optional. If it is not then disobeying a teacher will require schools to notify the DHHR.

### **126-99-7. Suspension and Expulsion.**

### **126-99-8. Complaint Procedures.**

### **126-99-9. Investigation Procedures.**

All violations require an investigation. This investigation requires the individual, witnesses and inviting the parent. Disobeying a teacher is a violation as is disorderly conduct. Schools will be spending all of their time doing investigations.

### **126-99-10. Agency Action and Reporting.**

The WVPE is to be notified concerning all substantiated reports of violations. Again, this includes insubordination, disobeying a teacher and truancy. Overwhelming!

**126-99-11. Reprisal.**

**126-99-12. Alternative Complaint Procedures.**

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**126-99-13. Policy Dissemination and Training.**

Counties have enough trouble getting Free and Reduced lunch forms returned. We are supposed to annually get contracts signed. Unrealistic!

**126-99-14. Assessment of Effectiveness.**

**126-99-15. Classification as a Persistently Dangerous School.**

**126-99-16. Prevention and Intervention Training.**

**Return comments by May 27, 2001 to:**

**Karen Huffman**

**Assistant Director**

**West Virginia Department of Education**

**Building 6, Room 722**

**1900 Kanawha Boulevard, East**

**Charleston, WV 25305-9969**

**E-mail: khuffman@access.k12.wv.us**

**FAX: (304) 558-1613**

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

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

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## 126CSR99

**Student Code of Conduct**

**Policy 4373:**

### **Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Lawrence M. Miller, Ohio County Schools

Title: Superintendent 

Street Address: 2203 National Road City/State/Zip Wheeling, WV 26003

### **Comments/Suggestions**

**126-99-1. General.**

This policy could preclude discretionary action by the principal to discipline children with individually-tailored, compassionate, and appropriate action. Equality does not necessarily mean that the same action is applied to every child in similar cases.

**126-99-2. Purpose.**

Proactive and preventive approaches should be developed by local boards of education. Maximum discretion of the local school staff should be allowed.

**126-99-3. Application.**

The comprehensiveness of the application section is well-planned and is commendable.

**126-99-4. Planning.**

This section needs to be better correlated with existing state codes and the safe schools act so that county boards have clear direction for planning. The planning process may take longer and may not be accomplished in such a short time frame.

**126-99.5. Attendance Policy.**

The policy is a good one. However, even with all strategies applied, including mediation, the judicial system does not react quickly and is often unwilling to hear chronic attendance cases. In addition, the system rarely takes steps to force the parent to cooperate and send the child to school on a daily basis.

## 126CSR99

### **Student Code of Conduct (Policy 4373)**

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#### **126-99-6. Violation.**

The specific definition of terms for violations is restrictive. A more global view which allows for principal discretion should be presented. No list can ever be comprehensive so interpretation should be encouraged.

6.1 Grooming - What is disruptive or indecent dress and by whose standards? Can a dress code be implemented? Is a dress code permitted by law?

6.1.2 School Responses to Violations - O. In-School Suspension  
Funding needs to be provided to counties to establish in-school suspension rooms and staff to monitor the students.

6.1.3 Gang Activity - This should be a Level III violation rather than a Level II violation.

#### **126-99-7. Suspension and Expulsion.**

This section appears to be aligned with W.Va. Code 18A-5-1 and 18a-5-1a.

#### **126-99-8. Complaint Procedures.**

The requirement of written responses to every incident will incur massive amounts of time that will interfere with the operation of the school. Time lines for investigations will be very difficult to meet. The common sense of principals should be relied upon more than prescriptive policies.

#### **126-99-9. Investigation Procedure.**

County board investigations should be informal to the maximum extent possible. Only in cases where informal resolution is not possible should steps toward a formal investigation be undertaken. Requirements for parental contacts and written reports in every investigation is excessive, unrealistic and unnecessary in many cases, especially at Level I and Level II.

Section 9.4 and 9.5 gives the principal appropriate latitude. Perhaps, this section is all that is necessary. The rest of 126-99-9 is overly specific and burdensome.

#### **126-99-10. Agency Action and Reporting**

Is this the routine WVEIS entry? If it is, this is an acceptable procedure. If not, it is a duplication of unnecessary efforts.

**126CSR99**

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- 126-99-11. Reprisal.**  
Separate last sentence of 11.1 into subsection 11.2.
- 126-99-12 Alternative Complaint Procedures.**  
This section for filing complaints is appropriate.
- 126-99-13. Policy Dissemination and Training.**  
What is the response if a student or guardian refuses to sign a contract agreeing to abide by the stipulation and consequences associated with violations?
- 126-99-14. Assessment of Effectiveness.**  
This section is consistent with current practices for submitting reports to the West Virginia Board of Education.
- 126-99-15. Classification as a Persistently Dangerous School.**  
If a school is to be labeled Persistently Dangerous, then the percentages should refer only to Level III and Level IV. The rate of percentage violations is arbitrary and unclear, 60% or 70% of what? How is accurate reporting assured? What positive outcomes will result from the classification of schools.
- 126-99-16. Prevention and Intervention Training.**  
Training on this policy would be imperative. Perhaps, additional funds could be provided to assist in offering quality programs. WVDE, RESAs and LEAs do not always possess the expertise necessary to offer training related to violence prevention, substance abuse prevention and other programs on behavior management.

**Shirley McGraw**

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:01 PM  
**To:** Shirley McGraw  
**Subject:** FW: Student Code Comments

-----Original Message-----

**From:** Mark & Joanne Fawcett [mailto:fawcett1@charter.net]  
**Sent:** Saturday, May 25, 2002 12:16 AM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Student Code Comments

Karen Huffman,

Listed below are my comments on Policy 4373 Student Code of conduct. I have tried to identify the section of the policy to which my comments refer in brackets before each comment.

[6.1.1. Level I Violations. a. Anti-Social Conduct] What about faculty and staff of the school?

[d. Improper Operation of a Motor Vehicle] This section also needs to address driving in a dangerous manner.

[j. Smoking.] It should be titled Tobacco if it is going to address rubbing and chewing tobacco as well as smoking tobacco.

[l. Technology Abuse.] I think a phrase needs added such as: "or which violates Acceptable Use Policies of the School."

[6.1.2. School Responses to Level I Violations] Counseling Programs should NOT be used as a punishment or disciplinary measure. Call them Behavior Management programs or some other name that does not associate punishment with the school counselor.

[6.1.5. Level III Violations...consistent with those addressed in W.Va. Code §18A-5-1a (c)] These violations should be spelled out here for clarity as briefly as possible. Not everyone reading this policy will have access to the WV Code to look up this reference.

[a. Alcohol] What about students not in possession, but obviously under the influence of alcohol?

[d. Students may be expelled pursuant] Expelled students should be excluded from all school activities including alternative education. Then being expelled would have some real consequences. If county boards are required to provide alternative ed to all but "dangerous" students, then there is really no negative consequence for an expelled student. They just get private tutoring and personalized instruction, not really a "punishment" for many students.

[13.1. This policy or a summary shall be conspicuously posted] Someone needs to carefully write a "summary" of this policy that is easily read by students, parents, and school staff. It will do no one any good to post multiple pages of "official policy language" or to include them in a Student Handbook.

General Comment: Principals should not be required to invite parents to come in for a conference they need to talk with a student in violation of the code. Many parents are not available during the school day and this will delay the consequences of misbehavior at all levels. Notifying the parents after the fact is appropriate, but even that is difficult in many cases.

Thank you for reading my comments. I hope you will forward them to the appropriate persons for consideration in adjusting this policy.

Sincerely yours,

Mark Carl Fawcett

Home:

fawcett1@charter.net -- (304) 455-1822  
210 Riverside Dr. New Martinsville, WV 26155

Office:

mfawcett@access.k12.wv.us -- (304)455-1990  
Magnolia HS 601 Maple Ave.  
New Martinsville, WV 26155

**Shirley McGraw**

**From:** Karen L. Huffman, Ed. D., Assistant Director [khuffman@access.k12.wv.us]  
**Sent:** Monday, May 27, 2002 5:02 PM  
**To:** Shirley McGraw  
**Subject:** FW: Student Code of Conduct (4373)

-----Original Message-----

**From:** Mike Offutt [mailto:mboffutt@access.k12.wv.us]  
**Sent:** Sunday, May 26, 2002 7:28 PM  
**To:** khuffman@access.k12.wv.us  
**Cc:** Emilio Garza Jr.; Bryan Sterns; Ronald Blankenship  
**Subject:** Student Code of Conduct (4373)

Karen, I have a few comments about policy 4373.

6.1.8 Code 18A-5-1a that require the mandatory suspension of the student by the principal for school, or .....

Having mandatory laws may cause some students to have punishment that does not fit the crime. An example is the recent incident where an honor student is expelled from school because he had two butter knives in his vehicle that were there because of a weekend camping trip. As a result he also lost his college scholarship.

6.1.8 a. .... within twenty-four hours, request that the county superintendent recommend to the county board that the student be expelled.

Twenty-four hours is not enough time to properly investigate an incident, especially one that is serious enough to expel a student. Making quick judgments will cause improper and life altering decisions about students that given the time to investigate may have different conclusions.

6.1.8 f. A county board that expels a student, and finds the student in a dangerous student, may refuse to provide alternative education .....

This I like. I have always been concerned about the safety of students when we are required to place a dangerous student in an education setting. The students are not dangerous in only the school environment, but outside the school as well. My experience with such students shows they exhibit the same behavior in school, at extra curricular events, summer school, summer youth programs, etc.

6.1.8 h. ... with disabilities, nothing in this policy may be construed to be in conflict with the federal provision of the .....

Just because a student has an IEP should not require us to treat them differently. What if this student was determined to be a "dangerous student".

7.5 Once a student is excluded from the classroom or bus, the student must be referred to the principal who will take disciplinary action, notify the parent in writing of the disciplinary action taken, provide a copy to the teacher or bus driver before the student is readmitted to class or the bus.

What is the definition of excluded? With this much paper work required the student may remain out of the classroom for several days until all the paper work is complete. 80% of our parents work in a different county and are not available at a moments notice. A simple infraction could take days to solve. With hundreds of things a principal must react to in a single work day this is just another way to tie his hands or cause quick and inaccurate decisions to be made.

8.1 All violations of the Student Code of Conduct observed by school employees must be reported .....

There are several programs like RSP that are designed to take care of small infractions. There is not enough time in the day to report all violations. Many schools have systems where teachers handle all but the most serious incidents. Now the principal is going to handle everything?

8.3 ..... appropriate procedures for investigating, reporting, responding, and devising consequences for the

failure of the employees to appropriately respond .....

Teacher evaluations already address employee short comings.

9.6 .... make a written report to the principal upon completion ...

We already keep record in WWEIS, Why duplicate?

10.3 ... shall immediately file a reports with the WVDE ...

We already keep records in WWEIS, Why duplicate?

126-99-15 Assessment and Classification as a Persistently Dangerous School.

This policy will cause school districts to expel students quickly in order to prevent repeat offenses and therefore keep the daily incidents low. Instead of teaching and helping students become productive citizens we are going to concentrate on staying below the 60% rate. We have been working with several student this year in order to keep them in school and therefore provide an education. They each have several infractions and very often are in the office several times a day each day. We have worked with outside agencies, counselors, etc in order to help these students. It would be more simple to expel and then only the students, and in the long run society, will lose if we simple expel students in order to stay below some percentile.

Michael Offutt Principal  
Calhoun County Middle/High School  
HC 89 Box 118  
Mount Zion, WV 26151

(304) 354-6148 x 20  
(304) 354-7382 Fax

**Shirley McGraw**


---

**From:** Joe Brunicardi [jkbruno00@yahoo.com]  
**Sent:** Friday, May 24, 2002 8:01 PM  
**To:** khuffman@access.k12.wv.us  
**Cc:** ddcurry@access.k12.wv.us  
**Subject:** Comments for Policy 4373

Please find below my comments concerning Policy 4373: Student Code of Conduct

My name is Karen Brunicardi. I am the principal of Neale Elementary School in Vienna, which is in Wood County. Our school has 460 students in K-6. I am the only administrator at the school. We have a guidance counselor 1 full day/ week and 2 half days/week. Neale's address is 2305 Grand Central Avenue, Vienna, WV 26105.

Violations- lists so many things that this is all that a teacher/principal would ever get done--way too inclusive.

#### Complaint Procedure-

8.1 This is going to be a tremendous amount of work for someone at each school-who would that be? I assume the principal, and feel that this would add a great deal of work to an already overburdened person.

8.3 "...respond in a manner that promotes understanding and respect." I have always tried to handle concerns in a fair, responsible manner. However, the very nature of disciplining someone's child often doesn't earn accolades from the people involved!

#### Investigation Procedures

9.2 This procedure is too time-consuming and unrealistic. During the process of investigating an incident, I may interview 3 or 4 (or more) students in addition to the complainant and the student against whom it was alleged. The statement that "efforts shall be made to contact student's parents" of anyone being interviewed and "invite them to be present" is an impossible task. Parents are working, don't have phones, etc. To think that you had to contact parents by phone, note, whatever-would drag every investigation out for an indefinite period of time. Delete the inclusion of parents, guardians,etc.

9.6 Putting a time limit on when the investigation is to be completed is also unrealistic. Recommend speedy conclusion, but don't mandate. Principals are responsible for every aspect of school operations- not simply investigations!

9.7 Report in writing - What happened to the announcement that paperwork was to be cut down for 2002-03? This is greatly increasing it!

#### Assessment and Classification

15.1-15.4 To rate a school based on numbers of violations will negatively impact the school's perception of this policy. A school that rigorously enforces the policy will be labeled as "persistently dangerous" and another that is more lenient will appear "safer." Exactly the opposite could be true. Also, a school that serves children from a less desirable neighborhood will, just by statistics, fall victim to a negative label, even if the staff has worked hard to create a caring, nurturing environment. This entire section should be eliminated. It does not accomplish what it is set up to

accomplish.

The Brunicardi's

---

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**Karen L. Huffman, Ed. D., Assistant Director**

---

**From:** Bea Orr [borr@access.k12.wv.us]  
**Sent:** Wednesday, May 29, 2002 2:46 PM  
**To:** khuffman@access.k12.wv.us  
**Subject:** Fw: code of conduct comments

Karen, Please these comments:

Classification as a Persistently Dangerous School : Level IV violations which result in a possible expulsion from school should be used to determine persistently dangerous schools because these violations are the serious incidences that are in code. Violations listed as level III and are part of code and may result in expulsion from school should be moved to a level IV violation status and measured. To utilize level II and III, and IV violations also, provides too many indicator for the WVDOE to collect and analyze.

15.2 & 15.3 : It is not clear what the 60% and 75% is or how it is calculated. It appears to be an arbitrary response and does not take into consideration the size of a school. The number of expulsions for a level violation appears to be a better measurement and falls in line with what other states are using. A suggestion of measurement for a school of fewer than 300 students would require that three expulsions over a three - year period of time would label a school as being persistently dangerous. A larger school would be labeled as such if one expulsion for every 100 enrolled students or fraction thereof occurs over a three- year period of time.

**Karen L. Huffman, Ed. D., Assistant Director**

---

**From:** Virginia Harris [vharris@access.k12.wv.us]  
**Sent:** Wednesday, May 29, 2002 2:19 PM  
**To:** Karen Huffman  
**Subject:** FW: New laws for schools

-----Original Message-----

From: David Stewart [mailto:dstewart@access.k12.wv.us]  
Sent: Wednesday, May 29, 2002 12:49 PM  
To: Virginia Harris  
Subject: RE: New laws for schools

Yes, to Karen Huffman. This is treated as a comment.

-----  
Dr. David Stewart  
State Superintendent of Schools  
WV Department of Education  
dstewart@access.k12.wv.us

-----Original Message-----

From: Virginia Harris [mailto:vharris@access.k12.wv.us]  
Sent: Wednesday, May 29, 2002 11:53 AM  
To: David Stewart  
Subject: FW: New laws for schools

Shall I forward this to Karen Huffman? Others? Thanks ~Virginia

-----Original Message-----

From: ritr@citlink.net [mailto:ritr@citlink.net]  
Sent: Wednesday, May 29, 2002 9:48 AM  
To: vharris@access.k12.wv.us  
Subject: New laws for schools

I was recently made aware of a new law that goes into effect regarding the bullies in school. I was told that both parties including parents and witnesses are to be there when the accused is brought in front the principal. My question is this - Have you people lost all parts of your senses? That is the most ludicrous thing I have heard yet. Where in this world do you get off pulling a stupid trick like this??? Have you not realized that bullies are mostly liars and usually come from families who on the most part do not care about other people and will lie for their children?? What about the parents whose children do no wrong in their eyes and refuse to accept that their child is a bully or a troublemaker?? I have listened to conversations in which girls were calling my daughter and saying things that never should be said even by an adult. When the mother was contacted she reacted with vengeance. How dare anyone accuse her angel of anything. The school was no help. The girl was smart enough to do things only in the presence of her friends who would lie for her. So therefore I am faced with a child who does not like to go to school. Where does my daughter's rights come in that she can go to school and not be bothered?? No, because of liberal decisions like our state school board makes the trouble makers are the ones with all the rights. So now, when someone bothers my children I am giving them permission to knock the crap out of the lowlife that you are protecting with your laws. No, they will not be kicked out of school. They have the right to defend themselves since the schools will not do it. You may as well be prepared for an increase in fights because I am sure that more parents will pull the plug on saying

"don't fight, go to the office for help". Especially since the office can no longer help the children. Furthermore, be prepared for lawsuits because of laws like these that allow the troublemakers and the bullies to run the schools. I will not have my child upset because you apparently are not capable of making decisions that will protect her. You are taking away the rights of teachers and principals to discipline the ones who need it. The two biggest mistakes ever made were taking prayer out of school and taking the paddling out of school. Our systems keeps protecting the ones who need to have discipline and who do not care about the other people. DO SOMETHING!! The parents who don't give a damn and who place everything else in front of their children are the ones who come out ahead in this stupid law. Yes, bullies need help. In most cases, they need someone who can give them guidance and show them that it is wrong to torture others. But you are showing them with this law that they can do it and lie and walk away to do it again. If a child can not defend themself and you allow liars and bullies to get away with it, then be prepared to have extremely good lawyers. I will take you as far as the court system will go to protect my children and any child that has to suffer because of the inexcusable laws passed by supposedly educated people like yourselves. Further, you now allow kids to attend field trips even though they are always in trouble?? What about the rights of the children who want to learn but are disrupted by the trouble makers? You are giving all the rights to children who who could not care less and who will most often be the ones to fill the prisons but to the ones who try you are shoving aside. If you have to let them go then make a parent go with them and make the parent responsible for the actions of the child. It is way past time for parents to take responsibility for their children. You are not helping by protecting the ones who are the problem. This is another perfect example of how we are turning our backs on what is right. You need to thank the good Lord above that your positions are not elected ones. Otherwise, the state school board members would not have jobs.

Sincerely,  
Traci Welch  
ritr@citlink.net

## **Policy 4373: Student Code of Conduct**

### **Comment Response Form**

Please use this form when commenting on proposed Policy 4373. You may attach additional sheets if necessary.

Individual/Organization: Emilio Garza, Jr., Calhoun County Middle/High School

Title: Assistant Principal

Street Address: HC 89, Box 118, Mt. Zion, WV 26151

### **Comments/Suggestions**

**126-99-1. General.** Prevention of tobacco use and alcohol abuse should also be included in 1.1.

**126-99-2. Purpose.** In 2.1, the fourth sentence should be changed to read as follows: These regulations require county boards to design and implement prevention and response programs, *to outline appropriate procedures*, and to delineate penalties for violations of this policy.

**126-99-3. Application.** No comment.

**126-99-4. Planning.**

**4.3.** The term, "agency," should be replaced with a term that clearly identifies the intended party, such as the school district or school. If left unchanged, the reader could misinterpret or misunderstand the meaning of "agency."

It is unreasonable to require school districts or schools to develop and implement an education program for each grade level. Schools already have numerous requirements to fulfill, and mandating an education program for each grade level would add another heavy requirement. Instead of helping, it could lead to a situation in which the staff would obey, but could not comply. Schools should inform the students of the Student Code of Conduct, consequences for violations, and review all this as necessary. Let the administrators and their staffs figure out how to accomplish all this.

**126-99-5. Attendance.** We can tell the students of their responsibility and require them to attend school, but without serious consequences, this would have little impact. Those who attend school regularly would continue to do so, and those who do not would not. In many cases, if not most, it is the at-risk students and those from lower socio-economic households that are absent the most. Often, they do not care about

unexcused absences, even if their parent/guardian does. Truancy complaints have helped. However, I have not seen anyone incarcerated for not having the money to pay court fines. Taking students' credits for excessive absenteeism has helped to influence students to attend school. Unfortunately, this will no longer be authorized.

#### **126-99-6. Violation.**

**6.1.1.f.** The second sentence should be changed to read as follows: 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 *sexual images or messages* or promotes any drug-, alcohol- or tobacco-related product . . . .

**REASON FOR RECOMMENDED CHANGE:** Students have looked for ways to circumvent or find loopholes in policies. If not clearly stated, some students would wear clothes that have images or messages of a sexual nature, and they, along with some parents, would argue that there is no policy to prohibit such attire.

**6.1.1.m.** The first sentence seems to focus on the time during the normal school day. Text should be added to clearly address unauthorized entry after-school and during non-school days.

**6.1.2.J.** Restitution/restoration could be directed or required, but Policy 4373 needs to provide the school district and/or school with more authority to enforce this.

**6.1.2.M.** This needs to be defined clearer. Does exclusion mean that the teacher must refer the student to the school office to be seen by an administrator for possible disciplinary action? If this is the case, it should be stated as an office referral or recommendation for disciplinary action. Does 6.1.2.M. mean that the teacher may keep the student out of the classroom for the whole class period? If exclusion is for one class period in one school day, what may the teacher do if the student, once seen by an administrator, commits another infraction after he/she returns to the classroom?

**REASON FOR RECOMMENDED CHANGE:** We need clear guidance on this. There are teachers who believe they may exclude a student from their classroom until the parents/guardian meet with them, which could take several days or weeks. Others believe that they can exclude the student for a whole semester or the remainder of the school year. Information I acquired indicates a teacher can exclude a student for part or all of the class period. Yet, other information indicates that exclusion means the student is to be sent to the school office for disciplinary action.

**6.1.3.b.** The response/intervention should be changed to read as follows: Failure to Serve Assigned Detention *or In-school Suspension*. A student will not fail to serve an assigned detention or *in-school suspension* of which students and/or parents/guardian have been notified.

**REASON FOR RECOMMENDED CHANGE:** There have been situations in which some students refused to serve an in-school suspension. Even the parent/guardian was aware of this. Although we were able to handle the situation, there should be a provision that clearly establishes the authority for more serious consequences if a student refuses to serve an in-school suspension, not just detention.

**6.1.5.** A provision should be added to address harassment by students against teachers, administrators, and school employees, whether on or off school premises. Also, a provision should be added to address student-to-student sexual harassment and sexual harassment against a school employee by a student.

**REASON FOR RECOMMENDED CHANGE:** We need to have serious consequences for students who harass school employees on or off campus. School staffs need this if we expect them to enforce rules and policies. The following are very brief summaries of incidents in which teachers were harassed. In a school district in which I previously worked, some students made harassing telephone calls to a teacher at his home, supposedly for something he did while on duty. It was difficult to resolve the problem because the harassment took place off campus. In a different incident in another school system, a male high school student followed in his car a female high school teacher who was driving home on a county or local road after school. The student drove his car very close to the teacher's car and stuck his arm out his car window, making obscene gestures ("flipping her off"). The apparent reason for this was that the teacher had disciplined or recommended disciplinary action against him that day. She felt threatened and asked for help, but it was difficult for the school to help because the incident occurred off campus. Sometimes there is not much law enforcement authorities can do in cases like this either.

As for addressing sexual harassment, we need to have a provision that clearly makes sexual harassment a punishable offense.

**6.1.5.a.** The response/intervention should be changed to read as follows: A student will not *consume or possess any alcoholic beverage* in an educational facility, on school grounds, a school bus or at any school-sponsored function. *Also, a student will not consume or distribute for the purpose of consumption any laboratory or medicinal alcohol, such as rubbing alcohol, in its pure form or mixed with any other substance while in an educational facility, on school grounds, a school bus or at any school-sponsored function.*

**REASON FOR RECOMMENDED CHANGE:** The policy should prohibit the consumption of alcoholic beverages in school, on school premises, etc. If it does not state this, students who consume alcohol could avoid consequences. As for my second recommended statement, I handled a case in which a student poured rubbing alcohol in soda pop for students to drink, and the student also allegedly poured it into another student's milk. If anything like this happens again, we should have a provision in the policy that clearly prohibits a student from consuming or distributing anything like rubbing alcohol to other students to drink, or the offender could avoid disciplinary action because of a technicality.

**6.1.5.d.** The text should be changed to read as follows: A student will not use profane language directed at a school employee *or student*. Using profane language may include, but is not limited to, verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school employee or *student*.

**REASON FOR RECOMMENDED CHANGE:** If schools are to improve or promote respect for students and have a violence- and harassment-free environment, the policy should clearly prohibit students from using profanity directed at other students.

**6.1.7.** Assault/battery of a student by another student needs to be addressed, also.

**6.1.7.c.** The text should be changed to clearly address possession of a substance that is not yet in consumable or usable form, but would be upon planting and/or processing, such as marijuana seeds.

**REASON FOR RECOMMENDED CHANGE:** I have learned that law enforcement authorities might not take action in cases involving possession of a small amount of marijuana seeds. The reason for this is that the seeds do not contain the level of illegal substance that the marijuana leaves have. In most cases, there would have to be a considerable amount of marijuana seeds in order for law enforcement authorities to submit a case to a court.

**6.1.8.a.** The text should be changed to read: If a student has been suspended pursuant to W.Va. Code §18A-5-1a, the principal shall *promptly* evaluate the situation, determine if it warrants an expulsion recommendation, and if it does, request that the county superintendent recommend to the county board that the student be expelled.

**REASON FOR RECOMMENDED CHANGE:** The principal needs a reasonable time to do a thorough investigation, even after suspending a student. Prescribing a twenty-four hour deadline would cause the principal to have to make hasty decisions, which could have serious impact on the student(s). Also, other duties may prevent the principal from submitting an expulsion recommendation within twenty-four hours. Additionally, personnel who are important to the investigation may not be readily available, which could delay the expulsion recommendation. It is understood that a Level IV violation needs to be handled with urgency, but no deadline should be set. However, if a time limit must be set, it should be five school days.

**6.1.8.d.** The text should be changed to read as follows: Students may be expelled pursuant to W.Va. Code §18A-5-1a for a period not exceed one *calendar* 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(1).

**6.1.8.f.** The word "student=s" should be changed to read "*student's*."

**6.1.8.g.** A dangerous student would not likely change in three months. The re-evaluation of the decision to refuse alternative education should be done during the sixth month of the student's expulsion, since the expulsion would likely be for one year. However, a county board should have the option to conduct the re-evaluation earlier if the expelled student requests it, or if a party requests it on the student's behalf.

### **126-99-7. Suspension and Expulsion.**

**7.5.** The last part of the first sentence should be changed to read as follows: . . . or uses profane language toward a school employee or *student*. The second sentence should be changed, and text should be added as follows: Once a student is excluded from the classroom or bus, the student must be referred to the principal, *or his designee, who will make a determination on action to be taken. If the student is suspended, the principal or his designee will notify the student's parents/guardian, teachers, and other appropriate personnel. The procedures established by the county board and school for reporting, processing, and taking action on violations of the Student Code of Conduct will be followed.*

#### **REASON FOR RECOMMENDED CHANGE:**

The recommended change for the first sentence would provide authority for a student to be excluded if he/she uses profane language toward a student, not just a school employee.

The recommended change for the second sentence and additional text would do away with the requirement for the principal or his designee to take disciplinary action and to notify in writing the parents/guardian of all disciplinary action taken. If left unchanged, 7.5 directs that the principal or his designee take disciplinary action, and this should not be mandated. The principal or his designee should analyze the situation and then determine if and what disciplinary action will be taken. There have been many occasions in which teachers were frustrated or too sensitive about a situation, and they referred a student to the office for disciplinary action for a minor infraction or act. Also, teachers' approaches during interventions or corrections have caused students to become confrontational, when this could have been avoided. These students probably came to school upset or were in an emotional state at the time of the intervention.

Requiring the principal or his designee to notify the parents/guardian of all disciplinary action taken is unreasonable. Notification should be required for an in-school suspension, an out-of-school suspension, a recommendation for expulsion, or if an investigation is initiated that could lead to disciplinary action, such as alleged sexual harassment. Minor disciplinary action, such as a counseling, verbal reprimand, verbal warning, and short-term detention (exclusion from social time or break) should not require parental notification by the administration, unless it is for repeat offenses. Habitual violation of school or class rules should warrant notifying the parents/guardian. Also, it may appropriate to notify parents in other situations. A great deal of time is spent on investigations and student discipline. Being required to notify the parents of every action would add a great burden to the school administration, and it could cause a bottleneck situation in communications with parents/guardians.

There is no question that parents/guardians should be reasonably informed about their children's behavior in school. The teachers should be required to assist with this by notifying parents/guardians of disciplinary action they take to correct behavior that did not warrant an office referral. Assertive discipline and similar methods stress that the teacher notify the parents/guardian if the teacher disciplines the student in the classroom. This would help to keep the parents informed and to reduce the occurrence of a bottleneck situation in communications with parents/guardians.

**126-99-8. Complaint Procedures.** Depending on the recommendations that are accepted by the WVDE, 8.1 would have to be revised to reflect any changes in the policy and procedures.

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

**9.2.** The third sentence should be deleted. Requiring the student's parents/guardian/custodian to be contacted and invited to the interviews in connection with an investigation is unreasonable and impractical. This would be too time consuming for the school, and it would delay the time line of the investigation, possibly for a considerable time if the parent/guardian could not come to the school in a reasonable time. The parent/guardian/custodian should be contacted for assistance if his/her child has information that is needed for an investigation.

**9.3.** Correct ". . . . analleged. . ." to read ". . . an alleged . . . ."

**9.4.** A provision should be added to allow the principal to determine whether the alleged conduct also constitutes a violation of county board or school policies.

**9.6.** The text should be changed to read: The investigation will be completed as soon as practicable but no later than *two weeks* following the *date the incident/violation is reported to the administrator*. . . . SEE REASON FOR RECOMMENDED CHANGE.

**9.7.** SEE REASON FOR RECOMMENDED CHANGE.

REASON FOR RECOMMENDED CHANGE FOR 9.6 AND 9.7:

Setting a deadline of one week to complete an investigation is too constraining and unreasonable. With some exceptions, the investigations pertaining to severe infractions are going to be done by the administrators, usually the assistant principal and/or dean of students. The administrators do not handle just one case at a time; they have to handle several and sometimes many cases simultaneously. In addition to this, there are other numerous, equally important tasks to accomplish, such as coordinating and conducting IEP meetings, School Assistance Team meetings, and parent conferences; planning and implementing master schedules; responding to students' and parents' inquiries and requests; conducting teacher observations and evaluations; and many more. All the tasks take time, and they have to be done. Other obstacles to the investigation may be witness absences or getting information from agencies. A one-week period is a good goal, but more time should be allotted.

If the investigation is conducted by a school administrator/dean, there should be no requirement for a written report to the principal, superintendent, or county board of education. The principal and dean should require written statements from the interviewees if a serious infraction is confirmed. The disciplinary action that is taken and the reason(s) are explained in a letter or other document that is provided to the student's parents/guardian, and a copy of the letter/document is filed in the school. Copies of these documents are usually provided to the superintendent and county board of education if an expulsion is recommended.

If a party that is not part of the school or the school district conducts an investigation, that party should submit a written report to the principal and superintendent.

#### **126-99-10. Agency Action and Reporting.**

10.3. This requirement should be deleted. We have WVEIS to provide data.

#### **126-99-11. Reprisal.**

11.1. The third sentence should be changed to read as follows: The agency will develop a discipline process to take appropriate action against any student, administrator or other school personnel who *intentionally provides false reports of* violations of this policy.

REASON FOR RECOMMENDED CHANGE: School administrators, deans, and staff take action based on the information they receive and their observations of violations. The findings of an investigation and conclusions depend frequently on the information provided by students, teachers, and other personnel. No one should be punished if they did not know they provided false or inaccurate information. However, if they knowingly pass the information, they should be held responsible. Intentionally providing false reports should result in serious consequences. Also, the school administration has a responsibility to conduct thorough and unbiased investigations. If they do not do this, they could be negligent.

126-99-12. **Alternative Complaint Procedures.** No comment.

#### **126-99-13. Policy Dissemination and Training.**

13.3. The first sentence should be deleted because it would not be feasible to get all the students and/or their parents/guardians to sign a contract. The logistics of doing this could be monumental (time, cost, etc.). Also, there would be no solid means to enforce such a contract, other than taking disciplinary action against the student, which would be done anyway if the student violates the Code of Conduct.

#### **126-99-14. Assessment of Effectiveness.**

14.1. In the last part of the sentence, the word "countis" should read "counties."

**126-99-15. Classification as a Persistently Dangerous School.**

If a law requires the classification system, I understand, and we will obey. However, I hope that our WVDE makes a stand against such a rating system. There has to be a better way.

This entire section should be deleted and left out of the policy. I do not know what good would come from compiling data/information to determine if a school is or is not a Persistently Dangerous School. Being classified as a Persistently Dangerous School could have an immensely negative, psychological impact on the school staff, its students, and its community. This could be detrimental in several ways. Good educators probably would not want to be a part of a Persistently Dangerous School, and they would probably leave. It could become difficult to fill teacher vacancies because educators would probably not want to work in such a school. There could be extreme teacher shortages, which could hinder mission accomplishment. Good students whose parents/guardians can afford to relocate would probably move to a different school. Other residents could decide to send their children to a different school because they would be concerned about their children's safety and welfare. All this would likely result in reduced funding for the county board and school, which could affect all aspects of the school. Who is going to bear the cost if students, who meet the criteria, choose to go to an alternate safe school?

Students who stay behind could possibly see themselves as losers or people who are doomed to stay in an undesirable school. It could be extremely difficult for students to maintain their school pride, morale, and motivation. This could affect their future if they cannot compete for scholarships or other opportunities to further their education or pursue a career. What school would want to send its students to compete in any sport or curricular activity at a Persistently Dangerous School? What school would want to allow the students or teams of a Persistently Dangerous School on its premises for any activity? If a school is Persistently Dangerous, local and other businesses might not want to be associated with it, which could affect work-based learning and other initiatives that help students prepare for the workforce.

Four other possibilities could come about as a result of this rating system. The first is that teachers and/or students might not report violations of the Student Code of Conduct. The second is that they might report only the extremely severe infractions. If this happens, the third possibility is that schools might push to have these students expelled instead of trying to find a means to keep them in school, as stressed by the School Assistance Team process. The fourth possibility is that the pride and will of the community could be bolstered, creating a situation in which they would refuse to accept a rating of Persistently Dangerous School for any of their schools. The community could then try to influence its school system to resist and/or to break any good working relationship with WVDE.

**126-99-16. Prevention and Intervention Training.** No comment.

**General Comments:**

(1) This revised policy has many good features, in particular the detailed breakdown of violations/infractions and consequences that has been provided. However, as I indicated some sections or parts of sections should be deleted or left out. In particular the rating system that can classify a school as a Persistently Dangerous School should not be adopted.

(2) The reporting requirements should be re-evaluated because they would increase the administration's and faculty's workload considerably. As stated previously, schools already have a great number of requirements they must fulfill. Adding to this does not help. The WVEIS should be used to collect information and data.

(3) Since there will be a new list of violations/infractions, the WVEIS infraction codes need to be aligned with this policy.