

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY WV Code 18-2e-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 99 (Policy 4373)

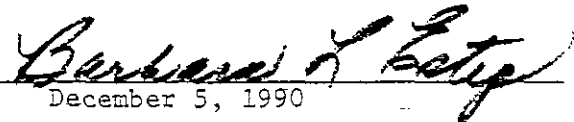
TITLE OF RULE BEING PROPOSED: Student Code of Conduct

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON January 17, 1991 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Basil Legg, Attorney
West Virginia Dept. of Ed.
Room B-362, Capitol Complex
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


December 5, 1990

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF EDUCATIONChapter 18
Series 99
Policy 4373

Subject: Student Code of Conduct

Section 1. GENERAL

- 1.1 Scope. Code of conduct for all students attending school in West Virginia.
- 1.2 Authority. This legislative rule is issued under the authority of Chapter 18, Article 2e, Section 5 of the West Virginia Code.
- 1.3 Filing Date. This legislative rule was promulgated on ____ day of _____, 1990, and was filed on the ____ day of _____, 19__, in the Secretary of State's Office.
- 1.4 Effective Date. This legislative rule becomes effective on the ____ day of _____, 19__.

Section 2. APPLICATION AND ENFORCEMENT

- 2.1 Application. This legislative rule applies to every student attending public school within West Virginia.
- 2.2 Enforcement. The enforcement of this legislative rule is vested with the State Superintendent of Schools.
- 2.3 This policy is to complement the Student Rights and Responsibilities Handbook (Policy 4372).

Section 3. PURPOSE

The West Virginia Board of Education recognizes the need of students, teachers, and administrators and other school personnel to have an orderly, safe, and stimulating educational environment. The West Virginia Board of Education recognizes that education means meeting students' needs for learning, thinking, participating, enjoying, and belonging throughout their lives. Promoting effective discipline in the school requires a comprehensive program supported by everyone in the school organization, parents or guardians and the community. In order to assure that schools are able to address these needs, the West Virginia Board of Education provides in Section 4 the Student Code of Conduct.

This code of conduct applies to all students enrolled in public school in West Virginia. This policy does not supercede any rights granted to special education students by Federal or State law or other State Board of Education policy.

Section 4. STUDENT CODE OF CONDUCT

In order for every student to have the opportunity to reach his/her potential, every student in the public schools of West Virginia shall:

1. Attend school faithfully, complete his/her assignments on time, and work to his/her full potential.
2. Behave in a manner that does not disrupt classroom learning or the operation of the school.
3. Obey teachers and principals and others in authority.
4. Refrain from aggressive or threatening behavior toward fellow students, teachers or other school staff.
5. Refrain from the possession or use of any weapons, illegal drugs, alcohol, or tobacco products.

Section 5. AUTHORITY OF TEACHERS, PRINCIPALS, BUS OPERATORS AND COUNTY BOARDS

- 5.1 Teachers may exclude from class for one class period or school day any student who fails to abide by the Student Code of Conduct.
- 5.2 Bus operators may exclude from the bus in conformity with the West Virginia School Transportation Regulations any student who fails to abide by the Student Code of Conduct. ~~during the transportation of the child to and from school~~
- 5.3 Principals may temporarily suspend from school any student who consistently fails to abide by the Student Code of Conduct or who commits a serious violation of the Student Code of Conduct.
- 5.4 County boards of education may expel from school any student who consistently and systematically fails to abide by the Student Code of Conduct, who commits a serious violation of the Code of Conduct which the Board feels could cause danger to other persons or property or who the board believes will not, in the future, behave in accordance with the Student Code of Conduct.

Section 6. COUNTY RESPONSIBILITIES

- 6.1 Each county board of education shall develop and maintain appropriate policies for ~~enforcement~~ implementation of this policy. These policies shall include including establishment of in school suspension, alternative programs, classes and- or schools for those students who are excluded or suspended for failure to de-see abide by the code of conduct or for any other reason. The county policy shall also provide for immediate notification by telephone to the parent of any child excluded from class, suspended from school or placed in in-school suspension, alternative program, class or school. This notice shall be followed by a written notice of the suspension or other action to be mailed by the next school day to the home of the parent. County boards of education are encouraged to use in school suspension, alternative programs, classes or schools as an alternative to suspending students from school.

6.2 Each county board of education shall provide appropriate due process hearings and other procedures and shall determine the appropriate length of expulsion or suspension penalties for violations of this policy.

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