

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE Dec 28, 1990
ADMINISTRATIVE LAW DIVISION

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W. Va. Code 18-2e-5

EMERGENCY 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 RULE BEING FILED AS AN EMERGENCY: 99 (Policy 4373)

TITLE OF RULE BEING FILED AS AN EMERGENCY: Student Code of Conduct

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The emergency is required due to the overwhelming concern expressed during the public meetings on education and during the special legislative session for immediate action regarding a comprehensive code of conduct and discipline. The State Board believes it is imperative that this policy be effective for the second semester of the current school year, in order that the public concern be immediately addressed.

Use Additional Sheets If Necessary.

Hymanochie
December 28, 1990

HD NO _____ DRAFT NO _____

SUBJECT Policy 6200 - Handbook on Planning School Facilities

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) _____

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

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

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSE					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

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

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IMPACTS _____
FISCAL: _____

STATE STAFF: _____

DATE _____ AGENCY _____ AUTHORIZED REPRESENTATIVE _____
December 3, 1990

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Policy Statement

The West Virginia Board of Education believes it is the responsibility of each student to behave in a manner that does not threaten, interfere with or deprive other students of their right to an education. Most students willingly and routinely adjust their behavior appropriately in school and in the classroom. Some students will exhibit problem behavior and require external reminders or adult intervention. The purpose of the student code of conduct is to provide regulations governing the behavior of students which help promote a positive environment. This code sets forth appropriate standards of behavior for students.

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF EDUCATION

Chapter 18
Series 99
Policy 4373

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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 14th day of December, 1990, and was filed on the 28th day of December, 1990, in the Secretary of State's Office.
- 1.4 Effective Date. This legislative rule becomes effective on the 1st day of January, 1991.

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, 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.
- 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 implementation of this policy and for the reasonable provision of appropriate educational services to students who are excluded or suspended from class or school. These policies shall include establishment of in-school suspension, alternative programs, classes or schools for those students who are excluded or suspended for failure to 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 for violations of this policy.