

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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FILED

1991 MAY -3 AM 11: 35

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: WV Code 18-2e-5

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING ADOPTED: Student Code of Conduct

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS June 13, 1991

Barbara L. Estep

May 3, 1991

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF EDUCATION

Chapter 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. May 3, 1991.
- 1.4 Effective Date. June 13, 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.



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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
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Charleston, WV 25305-0770

TO: Barbara Estep

AGENCY: Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 99 TITLE: 126 Education

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Barbara L. Estep

TITLE OF PERSON SIGNING: Exec. Sec. WV Board of Ed.

DATE: July 31, 1992

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.