

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED
JUL 20 1992

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 18-2-5, 18-5-13
Art. XII, Sec. 2, WV Constitution

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 PROPOSED: 100 (Policy 4374)

TITLE OF RULE BEING PROPOSED: Ban on Corporal Punishment

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 September 29, 1992 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Therese M. Wilson, Director
Office of Student Services and Assessment
Capitol Complex
Bldg. #6, Room B-309
Charleston, WV 25305-0001

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

Barbara L. Estep

July 20, 1992

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

270

FISCAL NOTE WORKSHEET

HB NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT State Board Policy 4374 FUND _____

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	\$	\$	\$	\$	\$
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

NO ADDITIONAL COST

IMPACTS
FISCAL:

STATE STAFF:

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
SERIES 100
POLICY 4374

Title: Ban on Corporal Punishment

Section 1. GENERAL

- 1.1 Scope. This policy prohibits an employee of a public school district from inflicting corporal punishment upon a student.
- 1.2 Authority.
- 1.3 Filing Date.
- 1.4 Effective Date. January 1, 1993
- 1.5 Repeal of Former Rule. This is a new policy.

Section 2. APPLICATION

- 2.1 This legislative rule applies to every employee or volunteer in the public schools of West Virginia.
- 2.2 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 and The Student Code of Conduct, Policy 4373.

Section 3. PURPOSE

To ban the use of corporal punishment in the public schools of West Virginia.

Section 4. EFFECTIVE DISCIPLINE

Each county board of education and each school must establish and maintain an effective discipline system which does not include the use of corporal punishment.

Strategies for developing an effective discipline system should be based on these common sense approaches:

- Developing a comprehensive classroom discipline plan.
- Stopping misbehavior when it occurs without attacking the dignity of the student.
- Resolving problems with students who chronically disrupt the learning process.
- Reducing student and teacher stress.
- Using rules and consequences that work.
- Providing staff development activities that promote the development and implementation of an effective discipline system.

DISCRIMINATION PROHIBITED: The West Virginia Department of Education does not discriminate on the basis of sex, race, color, religion, handicapping condition, age and national origin in employment and in the administration of any of its education programs and activities. Inquiries may be directed to the elimination of Sex Discrimination Program Coordinator, 558-7864; to the Section 504 Coordinator, 558-2696, WV Department of Education, Charleston, West Virginia 25305; or to the U.S. Department of Education's Director of the Office for Civil Rights, 215-596-6795.

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RESPONSE FORM
Ban on Corporal Punishment
Policy 4374

Directions: Please use this form in commenting on the proposed policy.

NAME OF INDIVIDUAL/ORGANIZATION: _____

ADDRESS: _____

Policy Section	Comments and Suggestions
Section 1: <u>General</u>	
Section 2: <u>Purpose</u>	
Section 3: <u>Application</u>	
Section 4: <u>County Implementation</u>	
General Comments	

Please submit comments by September 29, 1992 to:

Therese M. Wilson
Director
Office of Student Services and Assessment
Capitol Complex, Bldg. 6, Room B-309
Charleston, West Virginia 25305-0001

TMW:smm
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EXECUTIVE SUMMARY

Ban on Corporal Punishment Policy 4374

Purpose

The purpose of this policy is to ban the use of corporal punishment in the public schools of West Virginia.

Background

The Student Code of Conduct, Policy 4373, adopted by the State Board of Education in January 1991, stipulates behavioral expectations of students and specifies the authority and responsibility of teachers, principals, and county boards of education. The West Virginia Board of Education did not include the use of corporal punishment as a consequence for misbehavior since corporal punishment is not viewed as an acceptable or effective means of disciplining children.

Through this policy, the West Virginia Board of Education bans the use of corporal punishment in the public schools of West Virginia and directs county boards of education and schools to establish and maintain effective discipline systems for children.

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IMPACT STATEMENTS

EDUCATIONAL

Processes and strategies for effective discipline are intended to enhance student self-esteem, and include social problem-solving and self-regulation as components of the curriculum and instruction.

LEADERSHIP

The mission of the West Virginia Board of Education is to establish and maintain a thorough, efficient, accountable and dynamic education system. The West Virginia Board of Education encourages parents, administrators and teachers of all grade levels and subject areas to develop a common agreement on ways to handle behavior problems in a manner that helps students consider their own actions, examine rational consequences, and learn to take responsibility for their own actions..

STAFF DEVELOPMENT

Creating and maintaining a productive classroom environment is a major challenge to teachers. School systems should provide time for teachers to participate in staff development programs which incorporate strategies for improving student discipline. School systems should provide to parents courses and training sessions on student discipline.

ADMINISTRATION

County administrators will be responsible for enforcing this policy. School counselors and school psychologists as well as special education teachers can offer assistance to teachers in developing effective discipline techniques. Parents must be involved and viewed as an ally for solving behavior problems. Students must be informed of the standards of acceptable behavior and the consequences when the standards are violated.

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