

CODE OF CONDUCT FOR STUDENT BEHAVIOR

The Roane-Jackson Technical Center Administrative Council recognizes the need for students, teachers, administrators, and other school personnel to have a safe and supportive educational environment that is conducive to learning. This believes further, that schools should undertake proactive, preventive approaches to ensure a positive school climate/culture that fosters learning and personal-social development. Schools must create, encourage, and maintain a safe, drug-free, and fear-free school environment in the classroom, on the playground, and at all school-sponsored activities. Assuring such an educational environment requires a comprehensive plan supported by everyone in the school organization, as well as parents/guardians and the community.

This policy sets forth unacceptable behaviors that undermine a school's efforts to create a positive school climate/culture. These unacceptable behaviors are prohibited on all school property and at all school sponsored events. The school system must respond quickly and consistently, in accordance with these regulations, to incidents of these prohibited behaviors in a manner that effectively deters future incidents and affirms respect for individuals.

All Roane-Jackson Technical Center employees are responsible for providing a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed by or reported to school staff and substantiated, the behavior shall be addressed consistently in accordance with the *Interventions and Consequences* outlined in this policy and within each school's implementation plan.

The expectations outlined in this policy apply 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-sponsored activity or event, whether or not it is held on school premises, in a building or other property used or operated by the Roane-Jackson Technical Center Administrative Council, any Regional Education Service Agency (RESA), by the West Virginia Department of Education (WVDE), or in another facility or upon any other property being used by any of these agencies.

These expectations apply students, staff and public guests respectively as noted within the policy. The consequences of violating these expectations are:

- A. Students will be subject to the interventions and consequences in this policy.
- B. School staff will be subject to disciplinary and/or licensure action in accordance with WV Code §18A-2-8, §18A-3-2a, §18A-3-3 and §18A-3-6.
- C. Public guests in the schools will be subject to removal from school property/events and appropriate notification of local authorities as warranted.

- D. This policy does not supersede any rights granted to special education students by Federal or State law or other West Virginia State Board of Education policies.

Students, parents, and spectators will be informed by public address systems that this policy remains in force evenings, weekends and any other time that school is not in session.

Behaviors/Interventions and Consequences

This policy classifies inappropriate student behavior in four (4) levels as specified in State Board Policy 4373.

School administrators and staff are encouraged to exhaust all available school and community resources to provide appropriate school-based prevention and intervention strategies designed to keep students in school and engaged in instruction.

Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain their academic progress. Out-of-school suspension is not a recommended consequence or intervention for Level 1 behaviors. However, the determination of interventions and consequences is at the discretion of the school administrator for offenses classified as Levels 1, 2, and 3 behaviors. It is critical that Level 3 and 4 behaviors are to be referred directly to the appropriate administrator because of the serious and/or unlawful nature of the misconduct. Any student suspended or expelled from school is also suspended from extracurricular activities for the duration of the out-of-school suspension or expulsion.

When administering interventions and consequences, it is required to determine if a student warrants protection under the Individuals with Disabilities in Education Act of 1997 amendments (IDEA), State Board policy 2419 and/or Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (Section 504).

The following are the offenses as delineated in State Board policy 4373, and the Board shall train staff regarding the following behaviors and appropriate interventions and consequences.

LEVEL 1: Minimally Disruptive Behaviors – disrupt the educational process and the orderly operations of the school but do not pose direct danger to self or others.

- A. **Behaviors** – the following list of behaviors may include any or all of the interventions and consequences listed in item B.
 1. **Cheating** – plagiarizing, cheating, gaining unauthorized access to or tampering with educational materials.
 2. **Deceit** – deliberately concealing or misrepresenting the truth as in deceiving another or causing another to be deceived by false or misleading information.

3. **Disruptive/Disrespectful Conduct** – exhibiting behavior that violates classroom/school rules or distracts peers from the educational process and that is discourteous and/or rude. Disruptive behavior prevents teacher(s) from beginning or continuing education.
4. **Failure to Serve Detention** - Neglecting to served assigned detention of which students and/or parents have been notified.
5. **Falsifying Identity** – Using another student’s identity with the intent to deceive school personnel or falsely obtain money or property.
6. **Inappropriate Appearance** – Dressing or grooming in a manner that disrupts the educational process or that is detrimental to the health, safety or welfare of others. Students will not dress in a manner that interferes with the teaching and learning process including wearing any apparel that displays or promotes behavior and/or items prohibited by this or any other Roane-Jackson Technical Center Policy. Students must wear at all times the appropriate clothing and personal protective equipment for their respective career and technical education program.
7. **Inappropriate Display of Affection** – Kissing, embracing or other inappropriate displays of intimate affection.
8. **Inappropriate Language** – Using profanity (not directed toward a specific individual or group) orally, in writing, electronically in general communication context.
9. **Possession of Inappropriate Personal Property** – Possessing any personal property prohibited by school rules or that is disruptive to teaching and learning.
10. **Skipping Class*** - In accordance with West Virginia Board of Education Policy 4110 – Attendance, skipping class is failing to report to assigned class or activity without prior permission, knowledge, or excuse by the school or by the student’s parent or guardian.
11. **Tardiness*** - failing to be in assigned instructional setting at the assigned time without a valid excuse.

12. **Vehicle Parking Violation** – parking a motor vehicle improperly on school property.

13. **False Reporting** – reporting with malicious intent a student violation of this policy.

B. Interventions and Consequences – any or all of the items listed below may be used for any of the listed behaviors listed in item A.

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Academic sanctions may be used to deny credit for work resulting from cheating; however, previously earned grades/credits may not be reduced.
4. Counseling referrals and conference to support staff or agencies.
5. Daily/Weekly progress reports.
6. Behavioral contracts.
7. Change in the student's class schedule.
8. School service assignment.
9. Confiscation of inappropriate item.
10. Revocation of privileges.
11. Restitution/Restoration
12. Detention (lunch, before, and/or after school)

13. Denial of participation in class and/or school activities.
14. Immediate exclusion by teacher from the classroom with a recommended duration of one (1) period/subject of the school day for the first exclusion (WV Code §18A-5-1). "If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s)."
15. In-school suspension.
16. WV Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.
17. While out-of-school suspension is not recommended for Level 1 inappropriate Behavior, if used at the discretion of the school administrator, it should be limited to a maximum of three (3) days.
18. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention..

LEVEL 2: Disruptive and Potentially Harmful Behaviors – disrupt the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others.

- A. **Behaviors** – The following list of behaviors may include any or all of the interventions and consequences listed in item B.
 1. **Gang Related Activity** – wearing or displaying any apparel or insignia that intentionally identifies the wearer as a member of a gang or that otherwise supports gang activity symbolically. Using any word, phrase, written symbol or gesture that identifies the student using these a member of a gang. Recruiting students for gangs.

2. **Habitual Violation of School Rules or Policies** – persistently refusing to obey reasonable and proper orders and/or directions of school employees.
3. **Insubordination** – Ignoring or refusing to comply with directions or instructions given by school employees.
4. **Leaving School Without Permission** – exiting the school building, campus or school activity in which the student is enrolled without permission from authorized school personnel.
5. **Physical Fight Without Injury** – engaging in a physical altercation in which blows are used in an attempt to harm or overpower another person or persons.
6. **Possession of Imitation Weapon** – possessing any object fashioned to imitate or to look like a weapon.
7. **Possession of Knife not Meeting Dangerous Weapon Definition (WV Code §61-7-2)** – possessing a knife or knife-like implement under 3-1/2 inches in length as is clarified in West Virginia Code §61-7-2 “a pocket knife with a blade 3-1/2 inches or less in length, a hunting or fishing knife carried for sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term “knife” as defined as a deadly weapon unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.”
8. **Profane Language/Obscene Gesture/Indecent Act Toward n Employee or a Student** – directing profane language, obscene gestures or indecent acts towards a school employee or a fellow student. This inappropriate behavior includes but is not limited to, verbal, written, electronic and/or illustrative communications intended to offend and/or humiliate.
9. **Technology Misuse** – violating the terms of West Virginia Board of Education Policy 2460 and Roane-Jackson Technical Center Policy IJNDA Acceptable Use of the Internet/ Computers. Students and parents/guardians must sign the “Acceptable Use” of the Internet Agreement” in order to access this benefit while the student is enrolled at Roane-Jackson Technical Center.

B. **Interventions and Consequences** - Any or all of the items listed below may be used for any of the listed behaviors listed in item A.

1. Administrator/Student conference or reprimand.
2. Administrator and teacher-parent/guardian conference.
3. Referral to support staff or agencies for counseling or other therapeutic services.
4. Daily/Weekly progress reports.
5. Behavioral contracts.
6. Change in the student's class schedule.
7. School service agreement.
8. Confiscation of inappropriate item.
9. Revocation of privileges.
10. Restitution/Restoration.
11. Before and/or after-school detention.
12. Denial of participation in class and/or school activities.
13. Immediate exclusion by teacher from the classroom with a recommended duration of one (1) period/subject of the school day for the first exclusion (WV Code §18A-5-1). "If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s) or custodian(s)."

14. In-school suspension.
15. Out-of-school suspension with a recommended maximum of five (5) days.
16. WV Code §18A-5-1(d) prohibits the use of suspension solely for not attending class.
17. The principal and/or Superintendent may recommend placement in an alternative education program.
18. Expulsion.
19. Law enforcement notification if warranted. Absent a real and immediate threat to school or public safety, incidents involving public order offenses shall be considered school discipline issues to be handled by school officials rather than criminal law issues warranting formal law enforcement intervention.

LEVEL 3: Imminently Dangerous, Illegal and/or Aggressive Behaviors – are willfully committed and are known to be illegal and/or harmful to people and/or property. The principal shall address these inappropriate behaviors in accordance with WV Code §18A-5-1a, subsection (b) through (h).

A. Behavior

1. **Battery Against a Student** – unlawfully and intentionally injuring another student.
2. **Defacing School Property/Vandalism** – willfully causing 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.
3. **False Fire Alarm** – knowingly and willingly setting off a fire alarm without cause.

4. **Fraud/Forgery** – deceiving another or causing another to be deceived by false or misleading information or signing the name of another person in order to obtain anything of value or to defraud authorities.
5. **Gambling** – engaging in any games 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.
6. **Hazing** – causing 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.
7. **Improper or Negligent Operation of a Motor Vehicle** – intentionally or recklessly operating a motor vehicle, on the rounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health or welfare of others.
8. **Larceny** – taking another person’s property or having another person’s property in one’s possession. Property value at \$1,000 or more will increase this behavior to a Level 4 because it is considered a felony in accordance with West Virginia Code §61-3-13.
9. **Sexual Misconduct** – publicly and indecently exposing oneself, displaying or transmitting any drawing or photograph of a sexual nature, or committing an indecent act of a sexual nature on school property, on a school bus or at a school sponsored event.
10. **Threats of Injury/Assault against an Employee or a Student** – threatening (verbal or written) or attempting to injure another student, teacher, administrator or other school personnel. (This includes assault on a school employee as defined in West Virginia Code §61-2-15).
11. **Trespassing** – entering 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.

Intervention and Consequences

Level 3 behaviors are criminal offenses and therefore warrant formal law enforcement intervention that may result in issuance of a criminal citation, ticket, or summons, filing a delinquency petition, referral to a probation officer, or actual arrest. When any student is to be interviewed in connection with an investigation pursuant to a Level 3 or 4 inappropriate behavior, a reasonable effort shall be made to contact the student's parent, custodian or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Written, documentation of the contact attempts must be housed with the documentation of the student behavior infraction. In addition, if law enforcement officials are contacted, this contact must be documented.

In collaboration with law enforcement, the school shall also implement intervention strategies and meaningful consequences that promote and support appropriate behavioral changes. These strategies include but are not limited to:

1. Administrator/Student conference or reprimand.
2. Administrator and teacher=parent/guardian conference.
3. Referral to support staff or agencies for counseling or other therapeutic services.
4. Notification of appropriate Health and Human Resources.
5. Daily/Weekly progress reports.
6. Behavioral contracts.
7. Change in the student's class schedule.
8. School service assignment.
9. Confiscation of inappropriate item(s).

10. Revocation of privileges.
11. Restitution/Restoration.
12. Before and/or after-school detention.
13. Denial of participation in class and/or school activities.
14. Immediate exclusion by teacher from the classroom with a recommended duration of one (1) period/subject of the school day for the first exclusion (WV Code §18A-5-1). "If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action of the parent(s), guardian(s) or custodian(s)."
15. In-school suspension.
16. Out-of school suspension for up to ten (10) days.
17. The Director may recommend placement in an alternative education program to the appropriate Superintendent as defined by each counties respective policy.
18. Expulsion.

B. Behavior

Harassment/Bullying/Intimidation

Intervention and Consequences

Upon receipt of a complaint of racial, sexual and/or religious/ethnic harassment, bullying or violence that has been substantiated through investigation, the appropriate school official shall take action appropriate to the status of the offender (student, staff or public guest) as defined in Roane-Jackson Technical Center's policy GBAA/JBA, Racial, Sexual, Religious/Ethnic Harassment, Violence and/or Bullying."

C. Behavior

Imitation Drugs – possessing, using, distributing or selling any substance that is expressly represented or implied to be a controlled substance or simulate the

effect and/or the appearance (color, shape, size and markings) of a controlled substance.

Inhalant Abuse – deliberately inhaling or sniffing common products found in homes, schools and communities with the purpose of “getting high”. The action may be referred to as huffing, sniffing, dusting and/or bagging.

Possession/Use of Substance Containing Tobacco and/or Nicotine – unlawfully possessing, using or being under the influence of any substance containing tobacco and/or nicotine or any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the county school district.

Intervention and Consequences – Roane-Jackson Technical Center JICG defines Substance Abuse and the accompanying procedure provides guidance for assisting students with these problems. The use, sale and/or distribution of Tobacco is prohibited on all Roane-Jackson Technical Center Property as defined and enforced in that board’s policy JICG.

The selection of appropriate interventions and consequences for substance abuse must be considered very carefully depending upon the severity of the behavior and potential safety concern for others in the school. The first action must be to conference with the parent/guardian and appropriate law enforcement representatives in an effort to direct the student to appropriate addiction services. Referral to tobacco cessation services/treatment and substance abuse treatment services shall be a priority intervention strategy for these behaviors.

LEVEL 4: Safe Schools Act Behaviors – are consistent with those addressed in WV Code §61-6-17, 61-6-24, and 18A-5-1, and in the Gun-Free Schools Act of 1993. These laws require that the principal, superintendent and County Board address Level 4 behaviors in a specific manner as outlined in WV Code §18A-5-1a.

A. Behavior

Battery Against a School Employee – Making physical contact of an insulting or provoking nature with the person of a school employee as outlined in West Virginia Code §61-2-15(b).

Interventions and Consequences

If a student has been suspended for battery on a school employee pursuant to West Virginia Code §18A-5-1(a), the director or designee shall, within twenty-four (24) hours, request that the Superintendent of the appropriate county recommend to their Board that the student be expelled. Upon such request of

the Superintendent by a director or designee, the Superintendent **shall** recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board **shall** conduct a hearing in accordance with West Virginia Code §18A-5-1(a) subsections (e), (f), and (g), to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board **shall** expel the student.

B. Behavior

Felony – committing acts that would constitute a felony include, but are not limited to, arson (West Virginia Code §61-3-1), malicious wounding and unlawful wounding (West Virginia Code §61-2-9), bomb threat (West Virginia Code §61-6-17, sexual assault (West Virginia Code §61-8B-3), terrorist act or false information about a terrorist act, hoax terrorist act (West Virginia Code §61-6-24) and grand larceny (West Virginia Code §61-3-13).

Interventions and Consequences

Pursuant to West Virginia Code §18A-5-1a (b), if a student has been suspended for committing an act or engaging in conduct that would constitute a felony under the laws of this State if committed by an adult on the premises of an educational facility, at a school-sponsored function, or on a school bus, the director or designee **may** request that the Superintendent of the appropriate county recommend to their Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with West Virginia Code §18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board **may** expel the student.

C. Behavior

Possession and/or Use of Dangerous Weapon – possessing a firearm or deadly weapon as defined in West Virginia Code §61-7-2, on any school bus, on school property or at any school-sponsored function as defined in West Virginia Code §61-7-11a.

As defined in West Virginia 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, knife-like implement, switchblade knife, nunchaku, 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.

Interventions and Consequences

If a student has been suspended for possession of a firearm or deadly weapon pursuant to West Virginia Code §18A-5-1a, the director or designee **shall** recommend to the appropriate Superintendent that they recommend to their respective Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with West Virginia Code §18A-5-1a subsections (e), (f), (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation the Board **shall** expel the student.

D. Behavior

Illegal Substance Related Behaviors – unlawfully possessing, using, being under the influence of, distribute or selling any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code §60A-1-101, et seq. or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities of West Virginia Board of Education Policy 2422.8 – Medication Administration and instances of prescription drug abuse.

Intervention and Consequences

A student will not unlawfully possess, use, be under the influence of, distribute, or sell any substance containing alcohol and over-the-counter drugs. Pursuant to State Board Policy 4373, illegal substance related behaviors include violations of State Board Policy 2422.8 – Medication Administration and instances of prescription drug abuse.

1. Alcohol

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 director after an informal hearing, possessed alcohol in an educational facility, on school grounds, a school bus, or at any school-sponsored function pursuant to West Virginia Code §18A-5-1a(c). If a student has been suspended pursuant to West Virginia Code §18A-5-1a(c), the director may request that the Superintendent of the appropriate county recommend to the Board that the student be expelled. Upon such recommendation by the Superintendent, the Board may hold a hearing in accordance with West Virginia Code §18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board

finds that the student did commit the alleged violation, the Board **may** expel the student.

2. Possession of a Controlled Substance

Pursuant to West Virginia Code §18A05-1a(b), if a student has been suspended for unlawfully possessing a controlled substance governed by the Uniform Controlled Substance Act as described in West Virginia Code §60A-1-101 et seq., the director or designee **may** request that the Superintendent of the appropriate county recommend to their Board that the student be expelled.

3. Sale of Narcotic Drug

Selling any substance containing alcohol, over-the-counter drugs, prescription drugs, marijuana, narcotics, any other substance included in the Uniform Controlled Substances Act as described in West Virginia Code §60A-1-101, et seq. or any paraphernalia intended for the manufacture, sale and/or use of illegal substances in any building/area under the control of a county school system, including all activities or events sponsored by the county school system. This includes violations of West Virginia Board of Education Policy 2422.8 – Medication Administration and instances of prescription drug abuse.

If a student has been suspended for the sale of a narcotic drug pursuant to West Virginia Code §18A-5-1a, the director or designee **shall**, within twenty-four (24) hours, request that the Superintendent of the appropriate county recommend to their Board that the student be expelled. Upon such request of the Superintendent by the director or designee, the Superintendent shall recommend to the Board that the student be expelled. Upon such recommendation to the Board by the Superintendent, the Board shall conduct a hearing in accordance with West Virginia Code §18A-5-1a subsections (e), (f), and (g) to determine if the student committed the alleged violation. If the Board finds that the student did commit the alleged violation, the Board **shall** expel the student.

Nothing in this Student Code of Conduct may be construed to be in conflict with the Federal provisions of the IDEA (Public Law 105-17), or with West Virginia Code §126CSR16, West Virginia Board of Education Policy 2419 and Regulations for the Education of Exceptional Students.

Procedures for Reporting Complaints of Inappropriate Behavior

All school employees are responsible for assuring a safe and supportive school climate/culture. When incidents of inappropriate behavior are witnessed or known by school staff, the behavior shall be addressed consistently in accordance with West Virginia Board of Education Policy 4373 and this policy.

All violations of the Student Code of Conduct observed by school employees or reported to them by students or others shall be reported to the director or designee. Appropriate action shall be taken as specified in this policy by the director or designee.

Employee failure to report a violation or responding in a manner that does not promote understanding and respect **shall** be addressed in their evaluation and may subject them to disciplinary action.

All inappropriate behaviors observed by public guests must be reported to a school employee.

Any person who believes s/he 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 shall report the alleged acts immediately to a teacher, bus operator, or director or designee as appropriate. Nothing in this policy shall prevent any person from reporting violations directly to a County Superintendent, as appropriate, or to the West Virginia Human Rights Commission, or to a law enforcement agency, or initiating civil action or seeking redress under the State criminal statutes and/or Federal law.

Any student who falsely reports violations of this policy will be subject to Level 2 disciplinary action.

Any administrator or other school personnel who falsely reports violations of this policy will be subject to disciplinary action, up to and including dismissal.

Procedures for Investigating Allegations of Inappropriate Behavior

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 procedures.

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 3 or level 4 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, provided such

parental notification does not compromise overall school/student safety. Parental notification is encouraged at level 2 and discretionary at level 1.

The director 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.

The investigation shall be completed as soon as practicable but no later than ten (10) school days following the reported violation. The investigator shall make a report to the director 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.

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 director or his/her designee.

Upon completion of the investigation, the director shall determine whether the alleged conduct constitutes a violation of this policy, State Board of Education Policy 4373 or West Virginia Code §18A-5-1a.

In determining the appropriate response and/or punishment for a Level 1 offense, Level 2 offense, Level 3 Offense or an alcohol or over-the-counter violation pursuant to Level 4, the director, Superintendent, or board should consider the surrounding circumstances, the nature of the behavior, past incidents 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.

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.

Action and Reporting

It is essential that schools accurately track incidents of inappropriate behavior in order to utilize data for school climate/culture improvement efforts and to create documentation to support actions taken to intervene in inappropriate behavior patterns.

Upon receipt of a report substantiated by staff observation or by the investigation, the director, Superintendent or Board will take appropriate action against those found to have violated the Student Code of Conduct.

In addition to registering informational incidents of inappropriate behavior at the classroom level on the West Virginia Education Information System (WVEIS), these reports, including the action taken against the violators of the Student Code of Conduct, shall be filed in:

- The permanent record of the student housed at the school
- An “investigations” file (paper or electronic) maintained by the director or designee

The director or designee shall also initiate such other action as is appropriate to ease tensions and to affirm the values of respect and understanding, in accordance with this and other Roane-Jackson Technical Center and West Virginia Board of Education Policies.

The director and/or other authorized staff shall promptly enter all teacher level documentation as well as additional entry for administrative disciplinary actions into WVEIS. The teacher level documentation shall include inappropriate behavior leading to interventions, consequences and/or referrals to the principal. The director and/or other authorized staff shall promptly enter the data of the County Board’s action resulting from expulsion hearings in WVEIS.

Reprisal

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 shall be in violation of the Student Code of Conduct and a Level 2 offense as classified by the Council. An employee who retaliates against any person named above will be subject to disciplinary action up to and including dismissal. Reprisal includes, but is not limited to, any form of intimidation, retaliation or harassment.

Right to Alternative Complaint Procedures

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.

Appeals Procedures

If someone believes the Council has violated the procedural rights set forth in this policy, they may avail themselves of the appeal procedures outlined in WVBE Policy 7211 – ***Appeals Procedures for Citizens*** and Roane-Jackson Technical Center Policy KNA – ***Complaints About School Policies/Regulations, Appeal Procedure for Citizens***. The

procedures set forth in policies 7211 and KNA are not a precondition to seeking relief in some other forum.

County Partnership Development

The Roane-Jackson Technical Center Administrative Council may establish agency and organization partnerships with the purpose of providing the school with additional supports and resources to shape behaviors in safe and supportive schools. These partnerships maybe both formal and informal as described in State Board of Education Policy 4373. At the Administrative Council level, a memoranda of understanding and/or contracts are necessary whenever partner organization representatives interact with students on school property, during the school day or on behalf of the school system. These formal agreements should clearly articulate the types of student interaction that may occur, the roles and responsibilities of all parties involved, procedural operations and resource sharing (i.e., funding, space, staff, and data).

County Policy Dissemination and Training

The Roane-Jackson Technical Center Administrative Council shall develop and implement an ongoing awareness campaign to provide that all students, staff, and parents/guardians understand this Council policy and State Board Policy 4373.

This policy shall be made readily available to the public in written or electronic format.

County Implementation Plan

The Roane-Jackson Technical Center shall address within the Student Support Goal of their strategic plan objectives for policy implementation that ensures each school incorporates the following:

- A. Use of pro-active strategies to develop and support positive behavior in students.
- B. Application of data-driven continuous school climate/culture improvement activities that reflect the particular needs of students and staff members to study learn and work in positive school climate/culture.
- C. Application of appropriate and consistent interventions for all forms of inappropriate behaviors.

To the maximum extent possible, the implementation plan shall be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and State and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to schools through the formal and informal partnership agreements between these agencies and the Jackson County Board of Education.

County Evaluation of Effectiveness

The Roane-Jackson Technical Center shall review this policy in compliance with Federal and State law and State Board Policy 4373 and other applicable State Board policies. The effectiveness of this policy will be assessed annually by conducting with a review of the following:

- A. Summary data for incidents of inappropriate behavior and responses to incidents;
- B. require LSIC reports;
- C. trend analysis from school climate/culture survey tools (as available);
- D. impact data related to school climate/culture improvement strategies within county and school strategic plans; and
- E. impact data from training and staff development offered by Roane-Jackson Technical Center, Regional Educational Service Agencies and/or WVDE.

School Partnership Development

Roane-Jackson Technical Center has established community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in State Board Policy 4373. Formal partnerships between community service agencies must be approved by the Roane-Jackson Technical Center Administrative Council.

School Policy Dissemination and Training

To ensure understanding of this policy and the school implementation plan the school shall develop and implement an ongoing awareness campaign for all students, staff and parents/guardians/custodians. This plan will include the dissemination of electronic information and annual staff and student training to occur at the onset of each academic year.

This policy or a summary there of shall appear in the online student handbook. Staff will receive a copy in the employee handbook.

School Implementation Plan

Plans for the implementation of State Board Policy 4373 and this policy should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn, and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents,

business leaders, community organizations and State and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the Center's formal and informal partnership agreements as well as through additional school level partnerships.

At a minimum the school shall:

- A. establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents and community;
- B. develop school-wide priorities for State Board Policy 4373;
- C. analyze school climate/culture data annually;
- D. make data driven improvement decisions based on analysis of consistently tracked student behaviors;
- E. implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- F. implement programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes;
- G. implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- H. develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- I. evaluate school climate/culture improvement processes and revise as needed.

School Evaluation of Effectiveness

The school will review data annually to determine the effectiveness of their implementation plan. This data review may include but not be limited to the following outcome and process data sets:

- A. progress toward implementation plan goals and objectives;
- B. evidence of school climate/culture improvement efforts;
- C. required LSIC reports (West Virginia Code §18-5A-2);

- D. trend analysis from school climate/culture survey tools (as available);
- E. summary data for incidents of inappropriate behavior and intervention responses to incidents.

Roane-Jackson Technical Center

References: Public Law 105-17

Disabilities in Education Act of 1997

Section 504 of the Rehabilitation Act of 1973

West Virginia Code: §18A-2-8; §18A-3-2a; §18A-3-3; §18A-3-6; §18A-5-1; §61-2-15; §61-3-13 and §126CSR16

West Virginia Board of Education Policies: 4373; 2419; 4110; 2422.8; 2460

Roane-Jackson Technical Center Policies: IJNDA, GBAA/JBA, JICG, KNA

Adopted: August 19, 2014