

## **Policy 4373 – Expected Behavior in Safe and Supportive Schools**

### **Section 126-99-1. General**

The WVEA believes the rules and requirements for the development of safe and supportive schools are vital in providing the optimum learning conditions for both students and staff. It is imperative the policy establishes disciplinary guidelines for student conduct prohibited in WV schools which must be consistently addressed to assure students have a positive learning environment. Students can't learn and teachers can't teach with disruptive students in the classroom.

### **Section Manual Chapter 1: Expected Student Dispositions**

**Section 2** of this chapter requires county boards of education to develop the formal curriculum for teaching School and Community Social Skills based on age and developmentally appropriate constructs of social and emotional learning standards for K-12 and each county pre-k program. WVEA notes, however, no costs are listed in the WVDE's *Fiscal Note for Proposed Rules*. WVEA believes the WVDE should provide funds to counties to facilitate this requirement which goes beyond the realm of "staff training."

### **Section Manual Chapter 2: Student Rights and Responsibilities**

In **Section 7. Child Abuse Prevention**, WVEA requests the words "WV Code 18-2C-3" be inserted after the words, "State law" in the second sentence of that section.

### **Section Manual Chapter 4: Inappropriate Behavior and Meaningful Interventions and Consequences**

WVEA is concerned that many of the discipline options listed in **Chapter 4** are not available in counties/schools due to lack of staff, lack of resources or lack of space. WVDE must assist counties/schools in developing alternative interventions to student behaviors. This is especially true in the elementary and middle schools where few alternative programs exist due to a lack of funding. (p. 43-63)

In **Section 2. Inappropriate Behaviors Level 3**, WVEA objects to the note that "...out-of-school suspension shall not be used as a consequence for possession/use of imitation drugs, inhalants or tobacco/nicotine." Schools need to have the option to respond to a student who uses drugs before or during school with an out-of-school suspension. (p. 54)

## **Section Manual Chapter 6: Procedures for Taking Action on Substantiated Inappropriate Behaviors**

In **Section 3. Considerations for Transferring Student with Expulsions**, The WVEA questions how West Virginia Code 18-5-15f (d) which states, “Notwithstanding any other provision of this code to the contrary, any pupil who has been suspended or expelled from school pursuant to section one-a, article five, chapter eighteen-a of this code, or who has been suspended or expelled from a public or private school in another state, due to actions described in section one-a, article five, chapter eighteen-a of this code, may not be admitted to any public school within the state of West Virginia until the period of suspension or expulsion has expired,” wasn’t used as the language for this section. Proposed language seems in conflict with our current Safe Schools legislation. (p. 70)

In **Section 4**. WVEA is concerned with the part of the sentence which reads, “...students not yet determined eligible for special education plans...” Does this mean students who are currently in the referral process but have not yet been approved for the program? WVEA believes clarification needs to be made.

In **Section 5**. WVEA vigorously opposes requiring teachers to enter student data for inappropriate behavior leading to interventions, consequences or principal referrals into WVEIS. (p. 70) Time is an issue for all teachers. Classroom instruction, planning, conferences, paperwork, etc., occupy every moment in a teacher’s day. Since student achievement is a teacher’s priority, entering student behavior data into WVEIS is not a productive use of their time.

### **Fiscal Note for Proposed Rules**

WVEA questions the lack of a fiscal note for Policy 4373 submitted by the WVDE. The WVDE should assist by providing funding and staffing to support counties in developing alternative education and disciplinary options. We also disagree that mandated county policy revisions mentioned in this policy fall under county staff development. The WVDE must be proactive in assisting counties with alternative education models. Students need to be in school in order to learn, but students whose behaviors continually deprive others with the opportunity to learn need alternative learning settings.

